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COMPENSATION FOR HOLIDAYS FALLING ON SATURDAY

HEARINGS
BEFORE THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 5752 and related bills

BILLS TO PROVIDE FOR ABSENCE FROM DUTY BY CIVILIAN
OFFICERS AND EMPLOYEES OF THE GOVERNMENT ON
CERTAIN DAYS, AND FOR OTHER PURPOSES

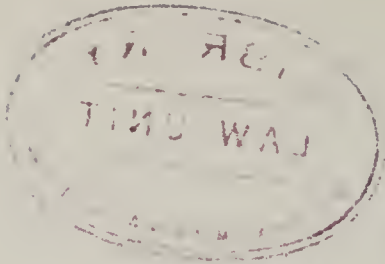
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CONTENTS

Statement of—

Buck, William E., secretary-treasurer, International Association of Fire Fighters.....	Page 34
Bursach, George, secretary-treasurer, National Association of Internal Revenue Employees.....	37
Gibson, Everett G., legislative director, National Federation of Post Office Motor Vehicle Employees.....	35
Hallbeck, E. C., legislative representative, National Federation of Post Office Clerks.....	57
Hughes, Harold B., chairman, Government Printing Office Legislative Committee, Columbia Typographical Union, No. 101.....	34
Hughes, Phillip S., Assistant Director for Legislative Reference, Bureau of the Budget.....	6
Jaspan, Dan, legislative representative, National Association of Postal Supervisors.....	56
Keating, Jerome, vice president, National Association of Letter Carriers.....	61
Larson, Charles R., president, National Rural Letter Carriers Association.....	44
Lyons, Eugene J., Assistant Postmaster General, Bureau of Personnel; Edmund J. Walsh, Assistant Controller, Bureau of Finance; and Wendell W. Campbell, Assistant General Counsel, Post Office Department.....	14
MacKay, John W., president, National Postal Clerks Union; accompanied by David Silvergleid, secretary-treasurer.....	38
McAvoy, Harold, national president, National Association of Post Office and Postal Transportation Service Mail Handlers, Watchmen, and Messengers, AFL-CIO.....	31
McCart, John, legislative representative, American Federation of Government Employees.....	50
Messer, Ross A., legislative representative, National Association of Post Office and General Services Maintenance Employees.....	43
Nagle, Paul A., president, National Postal Transport Association.....	45
Owen, Vaux, president, National Federation of Federal Employees..	67
Sebastian, Richard D., president, Printing Pressmen's Union No. 1, International Printing Pressmen and Assistants' Union of North America.....	66
Ryan, William H., president and legislative representative of District No. 44, International Association of Machinists, AFL-CIO.....	30
Stephens, Russell M., president, American Federation of Technical Engineers.....	32
Thomas, Joseph F., president, United National Association of Post Office Craftsmen.....	54
Walters, Thomas G., operations director, Government Employees' Council, AFL-CIO.....	29
Warfel, George L., president, National Association of General Delivery Messengers.....	35

COMPENSATION FOR HOLIDAYS FALLING ON SATURDAY

THURSDAY, APRIL 16, 1959

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met, pursuant to call, at 10 a.m., in room 215, Old House Office Building, Hon. Tom Murray, chairman, presiding.

The CHAIRMAN. The committee will come to order.

The committee is meeting this morning to consider bills introduced by a number of Members to authorize Federal employees to be excused from duty on a workday when one of the eight annual legal holidays falls on a Saturday which is not included in the employees' regularly scheduled tour of duty. The bills before the committee are H.R. 207 by Mr. Morrison, H.R. 535 by Mr. Lesinski, H.R. 4363 by Mr. Foley, H.R. 4455 by Mr. Broyhill, H.R. 4577 by Mr. Davis of Georgia, H.R. 5752 which I introduced, H.R. 5756 by Mr. Rees of Kansas, and H.R. 5899 by Mr. Flynn.

Although several of these bills differ in language and in coverage, the general purpose of each is identical; that is, to provide that Federal employees will be granted a regular work day off for each of the eight annual holidays for which provision is made by law.

These holidays are New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Labor Day (first Monday in September), Veterans Day (November 11), Thanksgiving Day (last Thursday in November), and Christmas Day (December 25). Since Labor Day and Thanksgiving Day are on specified weekdays they are not here involved, whereas any of the other six holidays may, and at times do, occur on Saturday.

I believe it will be agreed that there is an almost universal impression that under present holiday laws each and every Federal employee receives eight legal holidays every year. In other words, it has become a generally accepted understanding that such employees are excused from duty on eight special days each year, to observe or commemorate historic or religious occasions, apart and aside from those days in each week on which they are not scheduled to perform duties. Stated differently, an employee having an annual salary rate is paid for 260 days of work each year, excluding Saturdays and Sundays, but the 260 days for which he is paid include his annual and sick leave and the 8 legal holidays.

Contrary to the general impression, however, many Federal employees are deprived of the benefit of the full number of eight annual legal holidays in any year during which one or more of the holidays fall on Saturday. This will occur twice in the calendar year 1959, when Memorial Day and Independence Day fall on Saturdays.

At this point there will be placed in the record a schedule showing, for a 40-year period beginning with 1959, the incidence of holidays occurring on Saturdays.

(The schedule referred to follows:)

Days of the week on which holidays fall 1960-99

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1960	1	4			1	2	
1961	1	2	2	1	1		1
1962	1	2	1	2	2		
1963		2	1	1	3	1	
1964		1		2	1	1	3
1965	2	2			2	1	1
1966	1	3	1		1	1	1
1967	1	2	2	1	1		1
1968		3		1	4		
1969		1	1	1	2	2	1
1970	1	1		1	2	1	2
1971	2	2			2	1	1
1972		2	3		1		2
1973	1	2	1	2	2		
1974		2	1	1	3	1	
1975		1	1	1	2	2	1
1976	3	1			3		1
1977	1	3	1			1	1
1978	1	2	2	1	1		1
1979	1	2	1	2	2		
1980		1	2		2	3	
1981	1	1		1	2	1	2
1982	2	2			2	1	1
1983	1	3	1		1	1	1
1984	2	1	1	3	1		
1985		2	1	1	3	1	
1986		1	1	1	2	2	1
1987	1	1		1	2	1	2
1988	1	4			1	2	
1989	1	2	2	1	1		1
1990	1	2	1	2	2		
1991		2	1	1	3	1	
1992		1		2	1	1	3
1993	2	2			2	1	1
1994	1	3	1		1	1	1
1995	1	2	2	1	1		1
1996		3		1	4		
1997		1	1	1	2	2	1
1998	1	1		1	2	1	2
1999	2	2			2	1	1

The CHAIRMAN. Incidentally, the next year in which a holiday will occur on Saturday is 1961, when Veterans Day will fall on Saturday.

Under existing law, relatively large groups of Federal employees—such as rural mail carriers, firemen, and others working a 6-day week including Saturday—actually do receive a day off for each legal holiday. However, the majority of Federal employees, who are operating on a 5-day, 40-hour week, are not given a day off from work when a holiday occurs on Saturday since Saturdays are nonworkdays in their regular schedule. Nor is there any provision of law for such employees to be granted any workday off when a holiday falls on Saturday. This places these employees at a disadvantage, in relation to the group of employees whose regular tours of duty include Saturdays, with respect to being excused from duty for each of the customary eight annual legal holidays.

Existing law and regulations provide generally for the observance of legal holidays on Mondays when such holidays occur on Sunday. But, as previously pointed out, there is no comparable provision to take care of the situation when a holiday falls on Saturday. It is

noted, in this connection, that Executive Order 10358, which prescribes general regulations on holidays for Federal employees, contains detailed provisions for Monday observation of holidays falling on Sunday.

It is recognized that the primary effect of the pending legislation undoubtedly will be in the postal field service, where facilities will have to remain open to move the mails on the days on which employees would be excused from duty under this legislation when a holiday falls on Saturday. It is assumed that all possible measures would be taken in the postal service to keep additional cost of this legislation at a minimum, through appropriate assignment of substitutes and other employees and, if consistent with the requirements of furnishing adequate postal service, through the adoption of the regular schedule calling for the conduct of public business for only a half day, or some other suitable period less than 8 hours, on the days in question.

In the interest of bringing into the committee deliberations a consideration of holiday days off on the broadest possible basis, the administration witnesses have been asked to direct their testimony first to H.R. 5752 and H.R. 5756, which are companion bills designed to provide uniform and governmentwide practices in this respect.

(The bill H.R. 5752 follows:)

[H.R. 5752, 86th Cong., 1st sess.]

A BILL To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of provisions of law relating to pay and leave of absence of civilian officers and employees in or under the Government of the United States, with respect to New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Veterans Day (November 11), Christmas Day (December 25), or any other day declared to be a holiday by Federal statute or executive order, the following rules shall apply:

(1) If any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday for such officers and employees whose basic workweek is Monday through Friday, in lieu of such day which so occurs on such Saturday.

(2) If any such day shall occur on a regular weekly nonworkday of any officer or employee whose basic workweek is other than Monday through Friday (except the regular weekly nonworkday administratively scheduled for such officer or employee in lieu of Sunday) the day immediately preceding such regular weekly nonworkday shall be held and considered to be a legal public holiday for such officer or employee in lieu of such day which so occurs on such regular weekly nonworkday.

SEC. 2. This Act shall not apply to any officer or employee whose basic workweek is Monday through Saturday.

The CHAIRMAN. Reports from the Bureau of the Budget, Civil Service Commission, Post Office Department, and the Comptroller General will be inserted in the record at this point.

(The reports referred to follow:)

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., April 14, 1959.

HON. TOM MURRAY,
Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your recent requests for the views of the Bureau of the Budget with respect to H.R. 535, H.R. 4455, H.R. 4577, H.R. 5752, H.R. 5756, and H.R. 5899, all bills relating to the observance of holidays occurring on Saturday.

These bills provide generally that Federal employees whose basic workweek is Monday through Friday shall, whenever a holiday falls on Saturday, be granted a workday, usually the preceding Friday, as a holiday for the purpose of laws relating to pay and leave. Comparable treatment is provided by H.R. 535, H.R. 5752, and H.R. 5756, for employees whose basic workweek is other than Monday through Friday. The bills have the general objective of providing holiday benefits for each Federal holiday regardless of the calendar day on which it occurs. In 1959 both May 30 and July 4 fall on Saturday, and the effect of the bills would be to provide 2 additional holidays.

In adverse reports being submitted to your committee, the Civil Service Commission advises that current Federal leave policy is sufficiently liberal, and that this further liberalization is not required; and the Post Office Department advises that practical problems of administration of the postal service would be created, and estimates that each Saturday holiday would result in about \$4 million in additional expenditures for it.

In light of these reports, the Bureau of the Budget opposes enactment of any of these bills.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 9, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. MURRAY: This is in response to your letters of February 20, 1959, March 19, 1959, and March 25, 1959, requesting our views and comments on H.R. 4455 and H.R. 4577, H.R. 5752 and H.R. 5756, and H.R. 5899. Our comments relate only to H.R. 5752 (and to the identical bill H.R. 5756), "To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes." We are not commenting on H.R. 4455, H.R. 4577 and H.R. 5899 which have the same general purpose as the bill discussed.

H.R. 5752 provides that, for Federal employees having a Monday through Friday basic workweek, whenever a day declared to be a holiday by Federal statute or Executive order occurs on Saturday, the preceding Friday shall be treated as a holiday in lieu of the corresponding calendar day for the purpose of laws relating to pay and leave of absence of Federal employees. Equivalent benefits are provided for employees whose basic workweek is other than Monday through Friday. Because employees whose basic workweek is Monday through Saturday presently receive the benefit of holidays falling on Saturday, they are specifically excluded from coverage of the bill.

The proposed legislation would have the effect of guaranteeing to all employees the benefits of all legal holidays regardless of the calendar day on which they occur. Both Memorial Day and Independence Day fall on Saturday this year. Therefore, its enactment would give Federal employees the benefits of two holidays they will otherwise not receive this year.

Executive Order 10358, June 9, 1952, prescribes general regulations on holidays for Federal employees in the executive branch. Among other things, it provides that when a holiday occurs on Sunday, Monday shall be treated as a holiday. This follows well-established practices of American business and industry. The practice is based, at least in part, on the common feeling that Sunday, a day of religious devotion, is not a suitable day for public celebration of holidays. The celebration of Sunday holidays, therefore, generally takes place on the following Monday. If business or Government activities did not close on such a Monday, their employees would be deprived of the opportunity of participating in or attending commemorative ceremonies or other valued holiday events. The same reasoning does not apply to holidays falling on Saturday.

Furthermore, it seems to us that the legislation would not accomplish its intended purpose on a general and uniform basis. In many kinds of Federal

positions, the regular workweek necessarily encompasses Saturday. Hence the only effect of the bill would be to give such employees holiday pay, not a day off. In the post office, for example, and in many other service jobs this would surely add to cost. We believe that the Federal Government has a liberal leave policy, in the case of both sick and annual leave, and that the swing of the calendar does not, in equity, require this kind of offset. Accordingly, the Commission does not favor enactment of H.R. 5752.

We have been advised by the Bureau of the Budget that it has no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., April 8, 1959.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your requests for reports on H.R. 5752 and H.R. 5756, identical bills to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

The purpose is the enactment of legislation, affecting all Federal offices and establishments, to insure that Federal employees shall receive the benefit of all legal holidays to the same extent as though the holiday fell on a regularly scheduled workday. This purpose would be accomplished as follows:

"(1) If any such day [holiday] shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday for such officers and employees whose basic workweek is Monday through Friday, in lieu of such day which so occurs on such Saturday.

"(2) If any such day [holiday] shall occur on a regular weekly nonworkday of any officer or employee whose basic workweek is other than Monday through Friday (except the regular weekly nonworkday administratively scheduled for such officer or employee in lieu of Sunday) the day immediately preceding such regular weekly nonworkday shall be held and considered to be a legal public holiday for such officer or employee in lieu of such day which so occurs on such regular weekly nonworkday."

Section 2 provides that "This Act shall not apply to any officer or employee whose basic workweek is Monday through Saturday."

This Department is opposed to this legislation for the following reasons:

The movement of the mails is a continuous process. The number of employees required for work in post offices could not be reduced on a Friday specified as a holiday under this bill because:

1. Numerous complaints would arise from users who would not observe the day as a holiday and who would expect the mails to move.

2. Storage is inadequate in many cities to hold mail over the weekend.

3. Backlogs built up could not be overcome on Saturday due to the observance of that day as a holiday by transportation facilities.

Post offices would, therefore, require full complements of personnel comprised of regulars and substitutes to maintain normal weekday production on a Friday declared as a holiday under this bill. The total effect of the bill, therefore, is not to provide a holiday but add to the present salary structure an additional premium compensation day.

It is estimated that the employee replacement cost on each Friday preceding a holiday would be approximately \$3,900,000. Accordingly, the estimated cost of the measure for the remainder of the fiscal year 1959 would be approximately \$3,900,000 for Friday, May 29, 1959. The estimated cost to the Department for the fiscal year 1960 would be \$3,900,000 for Friday, July 3, 1959.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., March 30, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
 House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of March 19, 1959, requests an expression of our views on H.R. 5752.

The bill would require that when a holiday falls on a Saturday the day immediately preceding such day shall be held and considered to be a public holiday in lieu of such Saturday for officers and employees whose basic workweek is Monday through Friday. For employees whose workweek is other than Monday through Friday the bill would provide in effect that when a holiday falls on an employee's day off in lieu of Saturday, the preceding day shall be held to be a legal holiday in lieu thereof. Moreover, no change would be made by the bill for employees whose basic workweek is Monday through Saturday.

We have no comments to offer concerning the merits of the bill, the subject thereof being a matter of policy for determination of the Congress. However, we do note that the bill would confer a benefit similar to that conferred by Executive Order No. 10358 dated June 9, 1952, when a holiday falls on Sunday or on a day designated as an employee's day off in lieu of Sunday.

We suggest that on page 2 of the bill, line 14, the word "workday" be substituted for the word "day." This would remove any doubt as to the holiday which the bill would establish for an employee with a basic workweek of Tuesday through Saturday when Monday is designated as his Saturday and the normal holiday falls on such Monday.

Our comments herein are similar to those made on H.R. 5756, an identical bill. Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

The CHAIRMAN. Our first witness will be Mr. Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget.

**STATEMENT OF PHILLIP S. HUGHES, ASSISTANT DIRECTOR FOR
 LEGISLATIVE REFERENCE, BUREAU OF THE BUDGET**

Mr. HUGHES. Mr. Chairman, I have no prepared statement. You indicated that the Bureau's report had been placed in the record and unless you wish I will not read the report.

The Bureau has, as you also indicated, opposed the enactment of the legislation. With that remark, I would be glad to answer or obtain answers for any questions you and the committee may have.

The CHAIRMAN. Can you give the committee an estimate of the annual cost of H.R. 5752, if enacted, for a period of 40 years in the future?

Mr. HUGHES. Mr. Chairman, on the basis of some rather quick rundowns with Federal agencies, we would estimate the total cost of this legislation to be in the order of magnitude of about \$6 million.

The CHAIRMAN. That is over a period of 40 years?

Mr. HUGHES. No, sir; per year. "Per holiday falling on Saturday" is the best way to say that. Thirty-five such holidays would fall on Saturday over the next 40 years, so that the total cost would be the \$6 million times 35, or approximately \$210 million.

The CHAIRMAN. What part of that cost represents the postal field service?

Mr. HUGHES. \$3.9 million, I believe, is the total Post Office cost. I am not sure whether that is all field service or not.

The CHAIRMAN. About two-thirds, in other words, of the total cost would be on account of extra compensation to postal employees, is that correct?

Mr. HUGHES. Yes, sir.

The CHAIRMAN. Can you estimate for the committee the number of Federal employees whose regular tour of duty now includes Saturday work?

Mr. HUGHES. No, sir. I cannot do that. I do not know that such information would be available on a centralized basis.

The CHAIRMAN. All right, let us say that the 5-day tour of duty of an employee begins on Thursday and goes through Friday, Saturday, Sunday, and Monday, and the holiday falls on Saturday, this employee works on Saturday as part of his regular tour of duty. What is his situation when a holiday falls on Saturday? Also, when it falls on a Wednesday?

Mr. HUGHES. As I understand the situation with the present law, if the holiday fell on Saturday, which is in his normal tour of duty, he would, under the provisions of the Executive order take the day off as a holiday. If, however, it fell on Wednesday, which is the equivalent of his Sunday, he would get a holiday on his next scheduled workday, or Thursday.

The CHAIRMAN. Now what would be a "Sunday" under that arrangement?

Mr. HUGHES. Let's see, his "Sunday" would be Wednesday, would it not?

The CHAIRMAN. That is correct.

Mr. HUGHES. And he would get the Thursday as a holiday.

The CHAIRMAN. He would get a holiday on Thursday?

Mr. HUGHES. Yes.

The CHAIRMAN. You might say that one class of employees are receiving a preference over another class in that respect. Those who work on Saturdays, as a part of their regular tour of duty, are given a preference when a holiday falls on Saturday over those employees whose tours of duty do not include Saturday work, is that correct?

Mr. HUGHES. Well, is not the situation this, Mr. Chairman, that this offweek employee, with the abnormal week schedule, would get essentially the same sort of treatment as the regular employee? However his "Sunday" is not Sunday and the day that he would get would be Thursday, since Wednesday is treated as his Sunday.

The CHAIRMAN. Those who have a regular tour of duty on Friday, Saturday, Sunday, Monday, and Tuesday, if the holiday falls on Saturday, as part of the regular tour of duty, would get the Saturday off as a holiday, would they not?

Mr. HUGHES. Yes. If the Saturday holiday is within their normal workweek, they would get a holiday.

The CHAIRMAN. Well I am saying if their regular, normal tour of duty, their workweek, begins on Thursday and runs through Friday, Saturday, Sunday, and Monday, they would get the next day off as a holiday if the holiday fell on Wednesday. What if the holiday occurred on a Saturday?

Mr. HUGHES. They would get the Saturday, since it is within their normal workweek.

The CHAIRMAN. You are more familiar with that than I am.

Mr. HUGHES. I believe it is a fact. Perhaps the postal people can help you here because they have this staggered workweek. They would get that Saturday since it is a part of their normal workweek. The problem that would arise would be occasioned when the holiday

fell on another day, such as a Tuesday or Wednesday not in their regular tour but administratively designated as their Saturday or Sunday.

The CHAIRMAN. What would you say the estimated total cost of this legislation over a period of 40 years would be?

Mr. HUGHES. About \$210 million.

The CHAIRMAN. Are there any questions by other members of the committee?

Mr. FOLEY. Is there any difference in principle in the consideration of a holiday that falls on Sunday but is celebrated on Monday and a holiday that falls on Saturday but is celebrated on Friday? Is there any difference in principle?

Mr. HUGHES. This is not universally applicable, but at least a part of the reasoning in establishing the Monday holiday when the holiday falls on Sunday was that Sunday, for most people, is a religious day and it is therefore appropriate to provide an additional holiday for the celebration of whatever event is celebrated by the holiday.

Now this is not, obviously, universally true. While Sunday is a Christian holiday it is not for non-Christians and it is also not a holiday for some Christians such as Seventh Day Adventists.

Mr. FOLEY. By the same token, using the same observation you made, in which you say Saturday is a religious holiday for some other faiths, could it not be honored and celebrated on Friday using that same reasoning?

Mr. HUGHES. I think the same reasoning is applicable in those instances where Saturday is a religious holiday.

Mr. FOLEY. So, basically, there is no difference in principle between Saturday and Sunday being celebrated on Friday or Monday; is there?

Mr. HUGHES. Well, certainly there is a large difference in terms of the number of people affected and this, I am sure, was part of the consideration.

Mr. FOLEY. As to that point, is there not the same number of people working on Monday as there is working on Friday?

Mr. HUGHES. But the worship day for most people in the country is Sunday and this, I think, was the basic consideration.

Mr. FOLEY. Well, you're not absolutely sure of that, are you?

Mr. HUGHES. Well, I think statistically it would be pretty easy to establish.

Mr. FOLEY. I mean, are you sure for religious reasons it would be celebrated that way?

Mr. HUGHES. I think the record would show this pretty clearly.

Mr. FOLEY. What record is that?

Mr. HUGHES. The record underlying the establishment of the Monday holiday to celebrate holidays falling on Sunday.

Mr. FOLEY. All right, that is all, Mr. Chairman.

The Chairman. Mr. Gross?

Mr. Gross. I have one question. Your statement of the cost in the amount of \$210 million presupposes that pay to all Government employees, does it not?

Mr. HUGHES. No, sir; this assumes basically the premium pay for those employees who would need to work on this day which would be established as a holiday.

Mr. GROSS. You could not provide the chairman with the exceptions, an estimate of certain exceptions, could you?

Mr. HUGHES. No, sir. We made a rather hasty rundown of the agencies and obtained cost figures from each of them for the employees that would be affected. I do not have the numbers involved. Many of them would be the normal workweek employees and not the staggered workweek employees.

Mr. GROSS. You could provide that information?

Mr. HUGHES. We could provide that information.

(The Bureau of the Budget submitted an estimate of 300,000 to 350,000 employees who would be affected and stated that this is the best estimate available without extensive research which could not be completed in time for early consideration of this legislation.)

The CHAIRMAN. Mr. Broyhill?

Mr. BROYHILL. Mr. Hughes, these figures on the estimate of cost that you gave indicate, if I understand it correctly, that it would cost \$6 million for each individual holiday which falls on Saturday in the event we should pass legislation giving them Friday off.

Mr. HUGHES. Yes, sir.

Mr. BROYHILL. Now going back to the question which Mr. Murray asked, and I had to think of it quite a bit because it is a little confusing and complicated, but this workweek of Thursday through Monday, under existing regulations, if a holiday, a legal holiday falls on Tuesday, which would be the "Saturday" of the case we are using as an example, would that employee receive any other time off to compensate for the fact the legal holiday fell on his "Saturday," which is Tuesday, and other employees had Tuesday off?

Mr. HUGHES. No, sir.

Mr. BROYHILL. He would not?

Mr. HUGHES. As I understand it, no.

Mr. BROYHILL. Then do you not think that is unfair to that employee who has a workweek from Thursday through to Monday?

Mr. HUGHES. I think his treatment there is comparable to that of the employee with the normal workweek who does not get the Saturday holiday.

Mr. BROYHILL. All right, thank you.

The CHAIRMAN. Mr. Johansen?

Mr. JOHANSEN. Mr. Chairman, I wonder if the witness can explain the effect of this bill with respect to holiday insofar as the maintenance of office operations are concerned or those operations of the Government which serve the public. Am I correct in the understanding that when one of these holidays falls on a Sunday that Federal offices affected by it are closed on Monday?

Mr. HUGHES. Yes.

Mr. JOHANSEN. Would the effect of this legislation be that if the holiday fell on Saturday such Federal offices would be closed on Friday?

Mr. HUGHES. I believe the provisions of the different bills before the committee vary somewhat in that respect. Some of them would require holidays on the Friday and others would simply require recognition of the holiday by premium pay and so on if the office remained open.

Mr. JOHANSEN. Is it your impression that H.R. 5752 provides for the closing of public offices on Friday?

Mr. HUGHES. No, sir. It does not, as I understand it.

Mr. JOHANSEN. Would it be possible for this legislation to be the basis of an Executive order for such closing?

Mr. HUGHES. I think that would be possible, yes.

Mr. JOHANSEN. Is this not now done? When one of these holidays falls on Saturday, is there any practice, either general or specific, which does involve such a closing on a Friday?

Mr. HUGHES. I do not recall any recent instances of that sort, Congressman, with the exception of the Christmas holiday period where, by Executive order, there have been certain holidays in effect established with respect to that date.

Mr. JOHANSEN. Would it be your impression that the enactment of this legislation might encourage such Executive order?

Mr. HUGHES. I would think that would be the tendency, yes.

Mr. JOHANSEN. So that the effect of this legislation would not only be to increase costs, but to increase inconvenience to the public insofar as the closing of such offices involves such inconvenience?

Mr. HUGHES. Yes, sir. I would think that the tendency would be toward the closing of offices on Friday.

Mr. JOHANSEN. Would you think there might be any possibility of any legislation which would give the taxpayer the benefit of this burden of 1/365th of whatever it is, in the nature of a tax reduction by way of relief to the taxpayer?

Mr. HUGHES. I would think that the consequences of this, if due regard were taken for the backlog of work accumulated and so on, would be pretty difficult to establish in budgetary terms.

Mr. JOHANSEN. But there would be some consequences in terms of increased cost to the taxpayers?

Mr. HUGHES. There would be some, particularly in those instances where offices remained open, because of the premium pay involved. The Post Office is the prime example, of course.

Mr. JOHANSEN. Does the cost in this legislation arise solely from premium pay for the holiday where it is necessary to work?

Mr. HUGHES. Yes, sir.

Mr. JOHANSEN. That is the sole cost?

Mr. HUGHES. That is the basis on which the estimate is made.

Mr. JOHANSEN. Is that time and a half or double time or does that vary?

Mr. HUGHES. It varies somewhat, I think, with the type of employee and the circumstances. I think you had better seek an answer to that from the Post Office Department.

Mr. JOHANSEN. What other departments in the Federal Government other than the Post Office face a major cost with respect to this legislation?

Mr. HUGHES. Well, two-thirds of the cost is within the Post Office Department. The other principal agencies affected, and of course this is a rough estimate, would be the Veterans' Administration through its hospital operations, approximately three-quarters of a million dollars; and other larger components would be the civilian personnel in the Department of Defense, Federal Aviation Agency, and to some extent, TVA.

Mr. JOHANSEN. I must confess some confusion in this matter, but as I understand this bill, for those officers and employees whose basic workweek is Monday through Friday, they would have Friday off under this legislation?

Mr. HUGHES. If the holiday falls on Saturday.

Mr. JOHANSEN. If the holiday falls on Saturday?

Mr. HUGHES. Yes.

Mr. JOHANSEN. Now, what I want to understand is the import of section 2 which says, "This act shall not apply to any officer or employee whose basic workweek is Monday through Saturday."

What is the import of that?

Mr. HUGHES. Well, the act does not apply there. The Monday-through-Saturday employee, as I understand it, has a Saturday holiday. Now this bill would not affect him.

Mr. JOHANSEN. In other words, he would automatically get the Saturday off if it were a holiday?

Mr. HUGHES. Yes.

The CHAIRMAN. That would be the case with rural carriers, since the rural carriers work a 6-day week and if the holiday falls on Saturday they get that Saturday off. Is that correct?

Mr. HUGHES. Yes, sir.

Mr. JOHANSEN. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Rees.

Mr. REES. Is this correct, that the cost of this bill depends on how many holiday Saturdays there are in the year? Is that not right?

Mr. HUGHES. Yes, sir.

Mr. REES. Next year, as I noticed it, there do not seem to be any holidays on Saturday. Is that correct?

Mr. HUGHES. I believe that is correct, sir, with respect to the next calendar year. For the next fiscal year there is one on July 4.

Mr. REES. Then, during this next year there will be no cost?

Mr. HUGHES. There will be no cost.

Mr. REES. So the cost is dependent on how many Saturday holidays there are in a particular year?

Mr. HUGHES. Yes, sir.

The CHAIRMAN. Mr. Davis.

Mr. DAVIS. Mr. Hughes, we have this situation in some of these bills, that where the holiday falls on a Saturday the Friday preceding that Saturday shall be a holiday and if all of these public buildings should be closed, would that involve any cost to the Government?

Mr. HUGHES. Yes, sir; it would. I believe the Post Office Department costs, for instance, would be relatively unaffected. There are certain basic post office operations that have to be carried on, whether the offices are open or not, and these are the costs that we are referring to here.

Mr. DAVIS. Under that situation, when the carriers would be off, they would not carry mail, would they?

Mr. HUGHES. That is correct.

Mr. DAVIS. Now what expense would be involved in the Post Office Department?

Mr. HUGHES. The internal operations such as mail sorting, the basic operations in the post office of mail handling, as I understand it, which would be carried on.

Mr. DAVIS. Then those operations would be the same as they would on any holiday or where the office is closed and the carriers do not serve?

Mr. HUGHES. Yes.

Mr. DAVIS. What objection would there be to a bill of that kind?

Mr. HUGHES. There would be a real question, I think, and again this is something that the post office people could respond to more completely as to whether the post office could be closed. We would have a real question there.

Mr. DAVIS. Well, how about other than the Post Office Department?

Mr. HUGHES. I would think the principal problem would be in the Post Office Department because of the need for access, the desire of the public for access to the post office on a normal business day.

Mr. DAVIS. You do not offer any objection then insofar as the other departments are concerned?

Mr. HUGHES. I think there would still be the costs, for instance, in the Veterans' Administration, because of the premium pay involved on a holiday; but the problem here is less acute than in the Post Office Department.

Mr. DAVIS. You do not think there would be as much objection to a bill of this kind as there would be to one of the other kind?

Mr. HUGHES. Well, Mr. Congressman, I would have to reserve the point on this basic question of whether it would be feasible for the Post Office, under the circumstances you described, to stop its operations.

Mr. DAVIS. You do not know whether it would be feasible for what?

Mr. HUGHES. For the Post Office Department not to be opened on a Friday. I do not know what the reaction would be.

Mr. DAVIS. Well, I just wanted to get your views on it. Is that all you care to say about it?

Mr. HUGHES. Yes, sir.

The CHAIRMAN. Mr. Porter?

Mr. PORTER. Mr. Chairman, I would like to ask Mr. Hughes this question: There are eight legal holidays in a year?

Mr. HUGHES. Yes.

Mr. PORTER. And as the situation is now, some Government employees get paid for them and some do not; is that correct?

Mr. HUGHES. In general, the pattern is alike for Government employees with the normal workweek. If the holiday falls on a Saturday, Government employees with the normal workweek, by and large, do not get it. If the holiday falls on a Sunday, they do.

Or an average of something less than once a year, there is a Saturday holiday which therefore the employees with the normal workweek do not get.

Mr. PORTER. But the answer to my question is that some employees get eight holidays a year and get paid for them and some do not?

Mr. HUGHES. That is right.

Mr. PORTER. And do you think that is a fair situation?

Mr. HUGHES. I think the inequity here is not a substantial one. The "leave and holiday" policy in the Government is fairly liberal.

Mr. PORTER. The leave policy is not equitable.

Mr. HUGHES. There are some variations in leave between the different types of employees.

Mr. PORTER. It is inequitable?

Mr. HUGHES. There are just differences. I do not believe I wish to characterize them.

Mr. PORTER. Going back to this problem we have right here, is it not unfair that some employees should get eight holidays and get paid for them and some should not merely because the calendar works that way or because of the requirements of their jobs?

Mr. HUGHES. As I recall it, the ones that get eight are those who work a 6-day week, the Monday through Saturday workweek. These people would get the Saturday.

The 5-day workweek people, by and large, would not, if they worked the normal week.

Mr. PORTER. So there is a difference between the categories in terms of whether they get eight holidays or not?

Mr. HUGHES. Yes.

Mr. PORTER. And you think that the present situation is fair?

Mr. HUGHES. Well, there are always lines of difference between groups of employees. This is not a difference that concerned us seriously enough to support the legislation.

Mr. PORTER. You think there is some unfairness but not enough to cause you any concern?

Mr. HUGHES. I see some differences. I am not sure I would characterize it as unfairness.

Mr. PORTER. Have you made a study of what the comparable practices are in private industry?

Mr. HUGHES. I am generally familiar with, I believe it is the National Industrial Conference Board data, which indicates that something approximating a half of the industry surveyed by this group did provide a Friday holiday under the circumstances that we are discussing.

Mr. PORTER. Are you familiar with union contracts on this?

Mr. HUGHES. No, sir; I am not.

Mr. PORTER. In other words, whether this is equitable in terms of what is being done in private industry, you are really not prepared to testify to?

Mr. HUGHES. Not in any detail. I understand there is roughly a 50-50 kind of relationship, at least in the data I have seen.

Mr. PORTER. The enactment of this legislation would not necessarily mean that Government offices would have to be closed or services would have to be curtailed, would it? I mean that is not necessary, is it?

Mr. HUGHES. Some of these bills would require that.

That is, as I understand it, Others would not.

Mr. PORTER. But, in your opinion, it is not a necessary result of this legislation we have proposed?

Mr. HUGHES. No, sir.

The CHAIRMAN. Mr. Johansen?

Mr. JOHANSEN. I have one question. Insofar as offices are closed as a result of this legislation, the cost would be increased, would it not?

Mr. HUGHES. Yes.

The CHAIRMAN. Are there any other questions?

Mr. FOLEY. If this legislation is enacted and the Saturday holidays are honored and celebrated on Friday, is there any difference in cost to the Government where the holiday actually falls on Friday and where it is celebrated under this legislation?

Mr. HUGHES. Again, I think I would have to defer to my friends here from the Post Office Department, but I believe there are some differences because of the dual holiday situation that arises in the circumstance that we are talking about. In other words, you have a legal holiday on a Saturday and you would celebrate it on a Friday. I think there would be some difference between that situation and the one where you are celebrating a Friday holiday on a Friday.

Mr. FOLEY. Would the cost aspect be the cost involved because of the Saturday holiday rather than the cost of the Friday cessation of operations?

Mr. HUGHES. The cost is basically associated with the celebration of the Saturday holiday on a Friday, there already being some provisions, as I understand it, in the law which would associate some costs with the Saturday holiday.

Mr. FOLEY. It is because of the fact the holiday actually falls on the Saturday, in your judgment, that would cause that?

Mr. HUGHES. It does affect the cost, that is right.

The CHAIRMAN. Are there any other questions?

Mr. GROSS. Will the Bureau of the Budget close on all of these holidays?

Mr. HUGHES. The Bureau of the Budget officially is closed on all legal holidays; yes, sir, on the eight holidays.

Mr. JOHANSEN. I have one further question. I suppose this is assuming the role of my brother's keeper, or something of the kind, but is there any available statistics or any available information as to the number of additional highway deaths incident to the additional holiday on the long weekends?

Mr. HUGHES. Well, I am just familiar with that on a hearsay basis. The Safety Council people have figures on both anticipated and actual deaths on these 3-day weekends, 3-day and longer weekends. I am not familiar with it any further than that.

Mr. JOHANSEN. The longer the holiday, frequently the more the deaths.

The CHAIRMAN. Thank you very much, Mr. Hughes.

Mr. HUGHES. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness will be Mr. Eugene Lyons, Assistant Postmaster General, of the Bureau of Personnel, accompanied by Mr. Walsh and Mr. Campbell of the Post Office Department

STATEMENT OF EUGENE J. LYONS, ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL, ACCOMPANIED BY EDMUND J. WALSH, ASSISTANT CONTROLLER, BUREAU OF FINANCE; AND WENDELL W. CAMPBELL, ASSISTANT GENERAL COUNSEL, POST OFFICE DEPARTMENT

Mr. LYONS. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you to testify on the provisions of H.R. 5752 and H.R. 5756, identical bills the purpose of which is to provide an additional paid holiday for Federal employees when a legal holiday falls on a Saturday or an equivalent nonworkday.

The Post Office Department is opposed to this legislation for four principal reasons:

1. The public would strongly protest to the Congress and the Department any curtailment of service on a normal weekday not a holiday for persons outside the Federal Government.

2. Employees required to work on the day declared a holiday for Federal workers or in lieu thereof on a day celebrated as a holiday by the rest of the Nation would complain of unfair treatment.

3. The added cost to the Government in lost production and premium payments, in exchange for extremely limited benefits for Federal employees, could not be justified to the taxpayers at this time.

4. The long-accepted principle of pay for holidays not worked to prevent a reduction in normal wages would be abridged.

The postal service, as you know, exists for the purpose of rendering prompt, efficient mail delivery and related services to the American public. Since the movement of the mail is a continuous process operation, the number of employees required to adequately supply essential services cannot be reduced on a weekday that is not a holiday for the users of the mails without causing serious disruption of the service and inconvenience to the patrons. Strong protests could be expected from business concerns and individuals who have the right to expect full postal service on days when regular business is being conducted in the community.

In addition, if the work force was reduced, mail storage facilities would be inadequate in some metropolitan areas because of delayed mail. Backlogs built up on the "Federal employee" holiday could not be liquidated on the following day since that day would be observed as a legal holiday by those outside the Government. Transportation facilities, operating on limited schedules, and business concerns closed for the day would be unable to accommodate regular mail delivery.

Obviously then, it would be impractical to close post offices on a weekday which is not a holiday for the users of the mail. A full complement of workers would be required to maintain normal service and, to the extent employees were given the day off, qualified replacements would have to be used or some of the regular work force called to duty on the following day which would be a holiday for others in the community. The dissatisfaction of those regular employees required to work while other employees received an additional day off would be injurious to morale. An added problem would arise in attempting to select employees to be given the day off.

Thus, the ultimate effect of the proposed legislation would be to increase the pay of most employees by premium payments for holiday work and to interrupt the regular 2 consecutive days off for other employees accustomed to working a 5-day week. The added cost to the Post Office Department alone is conservatively estimated to be \$3,900,000 for each of the two Saturday holidays in calendar 1959. Such a pay benefit for postal workers would be difficult to justify to the taxpayers at a time when the President is asking industry and labor to hold the line against increases in prices and wages.

The National Industrial Conference Board, a nonprofitmaking organization known for its research in personnel practices, summarized the concept of holidays in private industry in a report entitled "Time

Off With Pay" (Studies in Personnel Policies No. 156). Quoting from that report:

The concept of paid time off in lieu of wages underscores the fact that holiday pay, vacation pay, etc., are essentially the means of maintaining the regular weekly income of the employee. They are devices to defer wages so as to assure that the employee will suffer no loss of weekly income should he be absent for certain reasons, should the plant close for a holiday, or should he go on vacation. Looked at from this angle, paid time off does not add to the employees' pay.

This concept of guaranteeing no loss of pay to the employee on holidays explains why paid holidays usually are not granted when holidays fall on a nonworkday. One notable exception, of course, is Sunday which by its religious character is not suited to holiday celebrations. Holidays falling on Sundays, therefore, are customarily celebrated on the following Mondays by all members of the community. Such has not been the general practice when holidays fall on Saturday or other nonworkdays.

Numerous studies of compensation practices in industry indicate that where production employees are granted paid holidays, including those on nonworkdays such as Saturday, the paid time off is in lieu of wages. Again, if I may quote from the National Industrial Conference Board study:

It is this concept of paid time off in lieu of wages that helps explain some seemingly odd developments in vacation and holiday practices. It helps to explain, for example, the idea of "guaranteed" holiday pay, whereby an employee receives holiday pay even though the holiday falls on a day outside his regular workweek. It also helps to explain the idea of vacations as an "earned right" rather than a gratuity from the employer. For, in both these instances, the holiday pay or vacation pay is viewed as wages that the employee would otherwise have gotten in the form of a wage increase. And to deny holiday pay if the holiday falls on a Saturday, or to deny vacation pay if the employee is terminated, is viewed as a denial of the wage increase agreed to.

This acceptance of paid holidays in lieu of wage increases in industry began as early as 1947 when General Motors' negotiations produced a total increase in wages amounting to 15 cents, of which 3½ cents was withheld. The amount withheld was then used to offset pay losses when the plant shut down on holidays. This explains the six to seven guaranteed paid holidays most commonly found in negotiated agreements in industry today.

Similarly, in a continuing process operation such as the postal service, granting an additional holiday on a weekday that is not a holiday for those outside the Federal Government, in effect, represents a pay raise rather than additional leave for most employees because a full work complement is required to maintain normal service to the public on that day.

Since post offices could not be closed down or service deferred; since postal employees in many instances could not be granted the extra day off; and since, therefore, the increased costs to the Department would appear to represent a pay raise at a time when the President is requesting labor and industry to hold the line, the Post Office is opposed to this legislation.

I should like to add just one additional comment, Mr. Chairman. In private industry, the average number of holidays that is generally granted is seven, in many cases only six. The United States gives its employees eight paid holidays and almost without exception an additional Executive order holiday, which makes it nine. I think that the Government is generous in that respect.

The CHAIRMAN. What additional holiday is that to which you refer?

Mr. LYONS. The Executive order holiday always given before Christmas.

Now, if I may, I would like to make one additional comment and that is for any official to say that it does not cost the Government anything for the 2 million employees of the United States to lose a day's production, assuming you could close down every Federal facility, would place no value on a day's production by the 2 million civilian employees of the United States, which does not make sense to me.

The CHAIRMAN. Do you have any questions, Judge Davis?

Mr. DAVIS. In your statement, Mr. Lyons, I do not exactly understand the statement there which reads:

Backlogs built up on the "Federal employee" holiday could not be liquidated on the following day since that day would be observed as a legal holiday by those outside the Government.

Would you enlarge on what you mean by that?

Mr. LYONS. Yes, sir. Assuming a holiday falls, as the next one does, on Saturday. Suppose we close down the post office on Friday. If we ask our employees to come in Saturday to work, they still could not get rid of that mail that had piled up, because all of the business houses are closed on Saturday for the May 30 holiday, or July 4, as is the case later.

Therefore, we would have to store that mail until the following Monday, which would, in effect, mean 3 consecutive days with no postal service, Friday, Saturday, and Sunday. In some of our larger cities, and particularly during periods when our parcel post load is heavy, we do not have the facilities to store 3 days of parcel post load and mail load.

Mr. DAVIS. You would have this situation, then, that you could not get rid of that accumulated mail on Saturday for two reasons: First, that your employees would be off, anyway, and, second, that the business houses would be closed?

Mr. LYONS. Yes, sir.

Mr. DAVIS. You do have mail delivery on Saturday, though?

Mr. LYONS. Yes, sir. We have regular deliveries normally on Saturday.

Mr. DAVIS. And what happens to that mail on Saturday then, that goes to business offices?

Mr. LYONS. When holidays occur on Saturday we do not have mail deliveries on Saturday. We just hold that mail.

Mr. DAVIS. The holiday would have been on Friday and you would have then a normal Saturday following that holiday?

Mr. LYONS. Yes, sir.

Mr. DAVIS. What is the situation on a normal Saturday? You have carriers delivering mail to the business houses?

Mr. LYONS. We do, sir.

Mr. DAVIS. But it is your position that the business houses would be observing the holiday on the Saturday rather than on the Friday?

Mr. LYONS. If the legal holiday falls on Saturday they would be closed.

Mr. DAVIS. And their offices would be closed because of the holiday; is that it?

Mr. LYONS. Yes, sir. Normally, some business houses, of course, are closed on Saturday, but the great bulk of stores and that sort of business are all open on Saturdays; so we are able to deliver the bulk of our business mail on Saturdays, if the day is not a legal holiday.

Mr. DAVIS. So unless the business houses, or some of them, should be closed on Saturday because of the holiday on Saturday, you would have the same situation as you would have on any normal Saturday?

Mr. LYONS. That is correct.

Mr. DAVIS. And of course, in the residential districts distribution, mail would be delivered just as it is on a normal Saturday?

Mr. LYONS. Yes.

Mr. DAVIS. All right. Thank you, sir.

The CHAIRMAN. Mr. Porter.

Mr. PORTER. Mr. Chairman, I would like to ask Mr. Lyons if this is not really a pay adjustment, rather than a pay raise, because it would not mean a raise for many people, would it?

Mr. LYONS. Well, I am not an expert on semantics, Congressman.

Mr. PORTER. No; but I mean in importance?

Mr. LYONS. But it would represent an increase in pay over and above the annual pay of the bulk of our employees, because we would need to use them on the holiday, and we would have great difficulty in giving them some other day off without having to call in a substitute, so it would be six of one and a half a dozen of the other, as to cost. It would cost the Government either way.

Mr. PORTER. But looking at the Government service as a whole, as this does, it would not be an increase in pay for any Government workers; would it?

Mr. LYONS. I assume it would not, for most agencies, if they were able to close down on Friday. The cost would be in the loss of the production in those other agencies which would not operate on the Friday if the holiday occurs.

Mr. PORTER. Then, in effect, it is more an adjustment than it is an increased cost afforded to the Government workers?

Mr. LYONS. I can only speak for the postal service, of course. It would represent an increase, in our case.

Mr. PORTER. Now, you said that the Government is more generous than private industry, in your opinion, because we give eight and not seven or six holidays. Of course, that is not really the issue here. The issue here is whether all should get eight holidays, or the equivalent, in pay, and not whether they get seven or six; is that not correct?

Mr. LYONS. Well, I think that the present arrangement is equitable for this reason: I feel that a workweek which includes Saturday is undesirable for most employees, because most of their friends outside of the post office service are regularly off on Saturdays and Sundays and they like to be like the rest of the population. So I think that the little added inducement given to them once in a while, when a holiday falls on a Saturday and they receive that holiday, whereas the ones who work Monday through Friday do not receive it, is deserved, and I cannot see that it is inequitable in any way at all.

Mr. PORTER. I am getting to your point that the Government is generous, the Government is generous to some in giving them eight holidays but not to others; is that not the point?

Mr. LYONS. I think the Government is generous to all.

Mr. Porter. In the same measure?

Mr. LYONS. I explained that I did not think it was inequitable as between the two, because I do not think a workweek including Saturday is looked on favorably.

Now, all private industry does not guarantee eight holidays or six holidays. Some of them guarantee six. Continuous-process industries, for example, in many cases, the man does not get the holiday unless it falls during his workweek, his regular workweek. It is no universal practice to guarantee and give somebody a bonus, and the purpose of holiday pay was to maintain a man's pay when he was off, of necessity.

Mr. PORTER. But do you not think that there should be eight holidays in effect guaranteed to every worker?

Mr. LYONS. I do not think that it is necessary to guarantee eight holidays. I think all of us would love to have 20 holidays, and post office employees are no exception. But I think that we have to use some judgment on how far we go with this type of benefit, and I think it is much less important to employees than other benefits that are under consideration by the Congress, such as health insurance for example. I think we should be conservative in granting these kinds of things.

Mr. PORTER. Your opinion is that you should not guarantee eight to all of them but let it fall as it does and not be uniform in how you grant holidays to Government workers?

Mr. LYONS. I think that you should guarantee the eight to those who have a workweek other than Monday through Friday, which you are now doing.

Mr. PORTER. Do you subscribe to this language which you quote from the National Industrial Conference Board, or at least the implication in it? It says:

It also helps to explain the idea of vacations as an "earned right," rather than a gratuity from the employer.

Do you think employers give gratuities to their workers?

Mr. LYONS. I think vacations are an earned right, and I have for many years.

Mr. PORTER. And holidays are considered the same way?

Mr. LYONS. I think the earned right in regard to holidays is for a continuation of pay when the holiday falls on a day on which the man normally worked and I think that the thing that caused employees to be upset back in 1947 and 1948, in the automobile industry, for example, was that the plants all closed down on six holidays a year and employees lost a day's pay and they came out at the end of the year with lower pay.

Mr. PORTER. But a certain number of holidays, whether it is six, seven, or eight, is something which is commonly used by labor unions on a bargaining basis, is it not? In other words, is it not a part of their compensation? It is not thought of as a gratuity in such language?

Mr. LYONS. I never thought of it as a gratuity. I thought of it as a benefit.

Mr. PORTER. I just wanted to pose that to try to clear up our thinking.

Now, you list your objections, and the first one is as follows:

The public would strongly protest to the Congress and the Department any curtailment of service on a normal weekday and not a holiday for persons outside the Federal Government.

If the public strongly protests something it does not think it is fair.

Now, do you have evidence that the public will strongly protest this bill, and would your curtailment of service be necessary?

I am sure the public will protest the curtailment of services of any sort, but that is not, by your own testimony, necessary. It would cost more, but we do not have to curtail the services, do we?

Mr. LYONS. No, if we are willing to pay the additional cost of continuing it.

Mr. PORTER. And if it is fair, we should do it and then the cost, of course, will be borne.

Your second point reads:

Employees required to work on the day declared a holiday for Federal workers or in lieu thereof on a day celebrated as a holiday by the rest of the Nation, would complain of unfair treatment.

Now, if they are paid for it, as has happened in many cases, then those complaints are usually not as loud, are they?

Mr. LYONS. The extra pay helps to offset the complaint, but we have many, many employees who like to enjoy holidays just like the rest of the community likes to enjoy them, and they, in many cases, would even forgo extra pay in order to have the holiday.

Mr. PORTER. Thank you; that is all.

The CHAIRMAN. Are there any other questions?

Mr. FOLEY. In your statement you say, and this is in reference to the matter alluded to by Mr. Porter, which is part of the National Industrial Conference Board study:

In both these instances, the holiday pay or vacation pay is viewed as wages that the employee would otherwise have gotten in the form of a wage increase. And to deny holiday pay if the holiday falls on a Saturday, or to deny vacation pay if the employee is terminated, is viewed as a denial of the wage increase agreed to.

Do you subscribe to the conclusion of the conference board study?

Mr. LYONS. I subscribe to the theory that if I were negotiating with a representative of a union at a bargaining table and the representative of the union came in and said, "We want a 15 cent an hour pay increase," and I said, "Well, we do not think we ought to go up that high," and we argued the thing out and we settled it for 12½ cents an hour increase, along with a 3½ cent value placed on six paid holidays, making a total package of 15 cents an hour, that then those six holidays should be guaranteed.

That is not the situation which confronts us here. The question of how many paid holidays we had did not enter into the matter of giving employees in the Federal service a 10-percent pay increase last year. We did not discuss that at all then.

Mr. FOLEY. Well, Mr. Lyons, are you then saying in your statement that you do not subscribe to the conclusion of the conference board that "to deny holiday pay if the holiday falls on a Saturday is a denial of the wage increase agreed to"?

Mr. LYONS. Where there was a wage increase agreed to, certainly I subscribe to that language. There has been no such agreement, as far as I know, in the Government.

Mr. FOLEY. Certainly the wage increases voted by the Congress for Government employees have been made with full cognizance of the fact that there are statutory holidays on the books, and that the principle which you very, very properly set forth in your statement is one that applies equally as well to the Government employees as to private industry employees, because a negotiation, regardless of how you want to describe the process involved in employee wage increases, in principle, is basically the same in the Government as in private industry.

That is why, in my view, the quotation you stated here strongly supports the proposal that Friday should be given consideration because otherwise there would be a reduction in the wages to the Federal employee if we do not pass this bill and see that the Saturday holiday is respected on Friday, because there would be a lessening in compensation to the employee. I am agreed with your principle, only I am going further, and applying this principle to the Government-employee relationship.

Mr. LYONS. I cannot follow the Congressman's argument because there was no question at the time of the wage increase that we were adding a guarantee that the employee would have eight holidays. This is an additional benefit which we are discussing here which was not discussed at that time. If the Congress feels, of course, that it should guarantee eight holidays, that, of course, is the prerogative of Congress. I just do not agree with it.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. I will yield to Mr. Corbett.

The CHAIRMAN. Mr. Corbett.

Mr. CORBETT. I was interested in your situation as to holidays coming on Friday with reference to a paid holiday. Would you not normally, where an employee takes off, utilize substitutes?

Mr. LYONS. To a certain degree, we can use substitutes. We cannot use substitutes in lieu of all of our regulars on any particular day very well because the regulars are considerably better trained than substitutes.

If we could let them off, of course, those that had the day off would not get any increase in pay. The substitute would get the increase in pay for an additional day's work.

Mr. CORBETT. Which he can well use.

Now, the other thing that I was interested in was this: While, for various years at different times you were worried about the storage facilities, is it not true that your mail load at Memorial Day and the Fourth of July is pretty low?

Mr. LYONS. No.

Mr. CORBETT. It does not compare with your problem at Christmas, New Year's, and Easter.

Mr. LYONS. Of course, Christmas and New Year's could fall on Saturday, too, Congressman.

Mr. CORBETT. Yes, they could, but that would not interrupt you too badly.

Mr. LYONS. And over the 40 years they probably would.

Mr. CORBETT. Of course, there is no chance of Easter falling on a Saturday.

Mr. LYONS. No.

Mr. CORBETT. Nor could Thanksgiving or Labor Day. This cannot happen.

So I am wondering if we are not dealing here with a year which might be the worst example from the point of view of the Post Office Department. Maybe, if we did as Mr. Gross suggested, figure this problem out over a 30-year period, it would not be too significant, particularly with the utilization of all possible substitutes and the like. In other words, I am sure that we recognize that the Post Office has a very peculiar problem, as compared to all the other agencies. I am sure nobody wants to burden them severely, but this could probably be done without too much hardship. If it is going to be a great hardship, it should not happen.

Mr. LYONS. I think it is just a matter of paying for it, Congressman. The hardship that I mentioned was any attempt to close on Friday, close down the postal service, and I made that point because of the fact that the extra cost would occur due to the fact that we feel we would have to continue the service.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. You mentioned two or three times in your statement about the holiday falling on Saturday or other nonworkdays. Now, are you referring to the nonworkdays of the postal employees or those employees that, using the hypothetical example that we used before, work from Thursday through Monday, and the holiday falling on that Tuesday or Wednesday? Is that what you mean by the "nonworkdays other than Saturday"?

Mr. LYONS. I was using the language in the bill. Actually the postal service has a Monday through Friday workweek, everywhere, except with rural carriers, which is Monday through Saturday, and the transportation service which has the staggered type of workweek.

Mr. BROYHILL. Do you know of any other cases of days that would be considered nonworkdays other than Saturday, which the committee has been talking about here?

Mr. LYONS. No. I understood the language was in the bill to cover agencies other than the Post Office, because in the case of the Post Office, our regulations provide that if a holiday happens to fall on a nonworkday, our employees who have a workweek other than Monday through Friday, do not receive the compensatory day for the Saturday work on the day on which the holiday falls, so these men do get the holiday benefit.

Mr. BROYHILL. I am still referring to the Thursday through Monday workweek.

If the holiday fell on a Sunday for the regular employee, the regular employee would get Monday off. Would your Thursday to Monday workweek employee get a day off for that Wednesday, or if the holiday fell on a Wednesday?

Mr. LYONS. Yes.

Mr. BROYHILL. So, actually, in effect, would you not agree, Mr. Lyons, that we are recognizing that we are accepting eight legal holidays for the employee, regardless of when it falls, except when it falls on Saturday?

We have always made it a custom—the chairman referred to it as a custom in his opening remarks, is that not true?

Mr. LYONS. I think the better way to put it, Mr. Congressman, would be, as far as the Post Office is concerned, at least, we have eight

holidays for all employees whose workweek is other than Monday through Friday. We feel that that small additional benefit is justified for those who have a workweek other than Monday through Friday because of the fact that there is some adverse feeling about working Saturdays among most employees. They would rather have Saturday off.

Mr. BROYHILL. Two of the members referred to your comment as to the National Industrial Conference Board, and I suppose we can assume you support their findings, as you referred to them in your statement?

Mr. LYONS. Yes, I support them; but I would not want them to be misunderstood. I do not think they apply to this situation, the way it was mentioned.

Mr. BROYHILL. Now, referring to this statement as to holiday and vacation pay, so as to insure the employee will suffer no loss of weekly income should he be absent for certain reasons or should the plant close for a holiday.

Let us take a Federal employee that takes 2 or 3 weeks' leave and during that leave period the legal holiday falls, such as the Fourth of July, whether it be on a Thursday or Wednesday, and his agency is shut down.

Now, he is away; he is not losing any time by virtue of that agency being closed, but he is not charged against his leave for that holiday. He still gets that holiday added on, as an additional day's leave, even though his leave overlaps the holiday.

Again, the point I want to make is, I think we have pretty much accepted the fact that the employee is entitled to eight holidays per year, and if he is on leave during that holiday it is not charged against his leave, and yet the only exception I can see to this point is that if that holiday falls on a Saturday, then he loses one of these holidays a year, and the Government—not that it costs them \$6 million a year if we enact this legislation—but the Government, in effect, saves \$6 million a day because the employee gets one less holiday a year. Is that not a fair way to put it?

Mr. LYONS. I do not think so, Congressman. I think if a holiday falls during the annual leave, a very generous annual leave, incidentally, that the Congress grants Federal employees, in the case of that holiday falling on Saturday, he does not get a day added to his annual leave.

Mr. BROYHILL. That is the only exception.

Now, I have one more question. You mentioned the Christmas rush of mail. You do not have any question in your mind but what if Christmas fell on a Saturday, by Executive order the employees—all employees—would get Friday off, even the postal employees would get that day off, by whatever method of payment, they would still get it, even though that is the biggest day of the year. They would still get Friday off by Executive order, not by legislation, if Christmas fell on Saturday. That would be accepted. They would get Christmas off, anyway, whether it falls on Wednesday, Thursday, or Friday.

Mr. LYONS. The postal service does not give Friday off before Christmas when it falls on Saturday.

Mr. BROYHILL. Yes, but the employees get a day off for one reason or another when Christmas falls on Saturday.

Mr. LYONS. If the President followed his custom of giving an Executive order holiday, they would get some day off in lieu of that Friday, probably in the following week.

Mr. BROYHILL. It still causes the same loss?

Mr. LYONS. Yes, it is a loss of production in exactly the same way. The CHAIRMAN. Mr. Johansen.

Mr. JOHANSEN. I would like, first of all, Mr. Lyons, to commend you for your courage and frankness in coming up here in behalf of the Department and taking an obviously unpopular stand, and I associate myself with the stand you are taking.

Now, there seems to be concern expressed here over inequities, as between Federal employees. Would you feel that there also should be some concern as to inequities between Federal employees and non-Federal employees?

Mr. LYONS. I certainly do.

Mr. JOHANSEN. Would you agree that the only way that you can eliminate that inequity, assuming that there is not at least at present a general acceptance of the Friday paid holiday—and I am thinking not only of those who have contracts or who are under contract in industry, but I am thinking of retail employees and a great many other employees—is it not true that the only way you can eliminate the inequity that would exist as between Federal employees and non-Federal employees would be for the Congress to enact legislation making every Friday before a legal holiday also a legal holiday for everyone?

Mr. LYONS. That would be the only way to make it uniform.

Mr. JOHANSEN. That would make it uniform and that would eliminate the inequities between Federal employees and the non-Government employees who are not under such an arrangement, is that not correct?

Mr. LYONS. That is correct.

Mr. GROSS. Would the gentleman yield?

Mr. JOHANSEN. Certainly.

Mr. GROSS. Would that not take away some of the powers of the President?

Mr. JOHANSEN. Knowing the gentleman as I know him, he would not mind curtailing some of the powers of the President.

Now, am I correct in the understanding that, at least in its inception, the reasons for extra pay for legal holidays or at least a guaranteed pay for legal holidays were twofold: Number one, to prevent a loss in total income for the year because of the holiday and, secondly, to give recognition to the inconvenience of having to work on a holiday when most people were not?

Mr. LYONS. That is correct.

Mr. JOHANSEN. I have one or two other questions: If you had substitutes instead of paying the regular employees double time, at what rate would the substitutes be paid on a Friday if it were a holiday under this legislation?

Mr. LYONS. Straight time.

Mr. JOHANSEN. They would be paid straight time?

Mr. LYONS. Yes, sir.

Mr. JOHANSEN. But that would still be net and an added cost for the total operation of the Department?

Mr. LYONS. That is correct.

Mr. JOHANSEN. In the amount of that straight time?

Mr. LYONS. Yes.

Mr. JOHANSEN. So there would be no difference there except for any difference in the rate of pay?

Mr. LYONS. No; there would be no difference, or very little difference, because the rates generally are pretty close to each other.

Mr. JOHANSEN. I think that is all, Mr. Chairman.

The CHAIRMAN. What do you estimate will be the cost to the Post Office Department if this legislation is enacted promptly and becomes a law covering the two holidays which fall on Saturday of this year?

Mr. LYONS. \$3,900,000 for each holiday, or a total of \$7,800,000.

The CHAIRMAN. Now, is your estimate based upon the use of regular employees or is it based upon using substitutes on Friday?

Mr. LYONS. Mr. Walsh informs me it is based on a minimum replacement cost.

The CHAIRMAN. But would your replacements be the regular employee or substitutes?

Mr. LYONS. They would be mostly substitutes, Mr. Chairman.

The CHAIRMAN. Do you know how many Federal employees do not have regular tours of duty which include Saturday, who would get the two holidays—May 30 and July 4—this year?

Mr. LYONS. I cannot answer that for all Federal employees, Congressman. Perhaps Mr. Walsh could offer some figures here for the postal service.

The CHAIRMAN. All right, sir.

Mr. WALSH. There would be rural carriers who work Monday through Saturday. That would be approximately 32,000.

In the postal transportation service there are about 20,000 regular clerks and a part of them have regular tours which include Saturday. There are about 260,000 other regular employees involved who do not have regular tours of duty which include Saturday.

The CHAIRMAN. I notice that over the next 20 years, beginning with 1960, there will only be 17 holidays which will fall on Saturday. For several years there will be no holidays falling on Saturday. In 1964 there will be 3 days—February 22, May 30, and July 4—and, if this law is not enacted and the present law continues, these employees will only get five holidays that year, will they not?

Mr. LYONS. The employee with the workweek of Monday through Friday would only get five holidays in that particular year, plus probably Executive order holidays.

The CHAIRMAN. Saturdays being within the regular tour of duty, they get those holidays off, do they not?

Mr. LYONS. Yes, sir.

The CHAIRMAN. Do you not concede that under the present practice there is discrimination between employees whose regular tour of duty does not include Saturdays and those employees whose regular tour does include Saturday, with regard to holidays?

Mr. LYONS. I said, Mr. Chairman, that I felt that employees who have Saturday as a normal workday deserve a little extra consideration, because, as a general rule, employees do not like to work on Saturdays. They would rather have Saturdays and Sundays off.

The CHAIRMAN. It seems to me that the Government would be wise to declare 8 days as legal holidays and provide that all employees are entitled to 8 days off from their regular tours of duty. That just

seems to be in the spirit of fairness. Are you objecting to it because of the cost?

Mr. LYONS. I think it is an unnecessary cost, sir.

The CHAIRMAN. Do you think it is fair to deprive these employees of these holidays when they fall on Saturdays not within their regular tour of duty?

Mr. LYONS. I do for this reason, Mr. Chairman: The purpose of having holidays is to observe some significant national event. If an employee is free to observe that national event because his workday is not scheduled on Saturday and the holiday falls on Saturday and the celebration of that event occurs on Saturday, if he is free to do that, then I do not think any hardship is being worked upon him because he has lost no pay whatsoever, and I feel actually that we are rapidly getting away from the purpose and significance of holidays.

The CHAIRMAN. I wish you would elaborate on that.

Mr. LYONS. It is my understanding, Mr. Chairman, that the Congress established holidays for the purpose of calling to the attention of the American people certain events of great significance in their history, or certain religious events, that the Congress expects people on those days to rededicate themselves to the reasons for which the holidays exists.

I do not believe that the holidays were created merely to provide a day off work for Federal employees or other employees.

So, the Congress said to those employees: "You are not going to lose any pay. You can take part in these community observances of this holiday. We are not going to dock you but you are not going to gain anything either. If you have to work on that holiday we are going to give you another day off. If you are not scheduled to work on that holiday then you will lose nothing."

Mr. PORTER. Mr. Lyons, you do not subscribed to the gratuity idea of the holiday but you subscribe to the community observance, not to the fact this is part of the compensation given to every worker and that it ought to be uniform.

I assume also you subscribe to an Executive order entitled "Observance of Holidays by Government Agencies." Would you say this expresses the policy which you agree with? This is a trap. Be careful.

In section 4(b), and this concerns the employee with an offbeat workweek. What it provides, as you no doubt know, is that persons whose Saturday and Sunday is Tuesday and Wednesday, if the holiday falls on Wednesday, he gets Thursday off, but he had all Wednesday to celebrate it under the community observance theory, then why does he get Thursday by Executive order? Is that consistent and does it not come under your community observance theory, or under this policy of the Government right now? Why is it that you want to change it to your community observance theory? Will it hold water there?

Mr. LYONS. I have said several times that I believe the man scheduled on a Saturday workweek deserved a break, and that is one way that you can give him a break.

Mr. PORTER. Well now, this is the man who has an offbeat workweek. I say he works Saturdays, too. This is part of the break. Is that not considered in his pay, a man who has to work Saturday and Sunday? Is not his pay commensurately greater and is there not a lot of traffic that people want to take their holidays on Tuesdays and Wednesdays because of it? I can understand that.

Mr. LYONS. In the first place, it does not help a man in his pay, the fact that he has to work through that weekend, and, secondly, I have found that postal employes, like everyone else in the community, would like to have Saturdays and Sundays off, because their neighbors have Saturdays and Sundays off. As a matter of fact, we have a preferred assignment system whereby the employce wanting to have Monday through Friday for the workweek, and having seniority, that is what he gets.

I would say that 90 percent of them prefer it.

Mr. PORTER. I gather you do agree that this regulation, this Executive order provision I have mentioned, does not comply with your community observance theory, obviously?

Mr. LYONS. I said it provided an extra break for a fellow with an onerous workweek.

Mr. PORTER. You do not believe in giving a break to those who do not get any holidays who have less than the 6-day workweek?

Mr. LYONS. They do not have an onerous workweek.

The CHAIRMAN. Mr. Johansen.

Mr. JOHANSEN. Is it true that the employee who works a 6-day workweek, that these costs are considerably less, the Government costs?

Mr. LYONS. I understand so.

Mr. JOHANSEN. Is it not true that if this is voted on favorably the extra cost that will be paid for Memorial Day will be paid from borrowed money?

Mr. LYONS. I understand that would be true.

Mr. JOHANSEN. Is it not also true that if the very precarious balance of income and expenditures for the next fiscal year proves to be on the deficit side, this will be true also with respect to the one on the 4th of July?

Mr. FOLEY. Assuming this situation that my colleague refers to is true, the actual wages for the Federal employees for their day-to-day work would be paid by borrowed money; is that not right, if there is a deficit for the cost that exceeds the revenue?

Mr. LYONS. If the Congress votes higher expenditures than the revenue, naturally they are going to be paid with borrowed money.

Mr. FOLEY. That was not the question. My question was with normal salaries, if there is a deficit, that that salary will be paid for by borrowed money; is that not correct?

Mr. LYONS. If the revenues are under the amount that the Government spends, the only way the Government has to pay is by borrowing money.

Mr. FOLEY. That is right. If holidays, according to your theory—and I subscribe to it—are a right and a part of wages, the observation that borrowed money is used to pay the salaries, including the holiday pay, is not foreign to our experience.

In other words, it is normal in that sense, taking your basic theory: And to deny holiday pay if the holiday falls on a Saturday or to deny vacation pay if the employee is terminated, is viewed as a denial of the wage increase agreed to.

This point of using borrowed money to pay the wages that the Federal employee is entitled to, that is not an argument against this particular proposition this morning, is it?

Mr. LYONS. Congressman, it is my understanding that the Members of Congress established these holidays a good many years ago, and when they established the holidays they, in their wisdom, said nothing about guaranteeing extra pay in case the holiday happens to fall on a day on which the men normally did not work; so I cannot see that it is a part of any wage agreement that the Congress of the United States has made with Federal employees. True, no matter when or how the United States spends more money than it takes in, it is going to have to borrow, and this will add to that borrowing; that is all.

Mr. JOHANSEN. Mr. Chairman, since I raised this question, and with all due respect to my very good friend from Maryland, I want to say that the argument that we ought to go out of our way to find more ways to spend money that we do not have is about the flimsiest argument that I have ever heard.

Mr. FOLEY. In that connection, this is not to go out of our way to spend money, but to keep faith with the employees, and to add substitutes, to take your word for it, goes back many years.

Mr. JOHANSEN. It adds more to the deficit.

Mr. FOLEY. It is also to keep faith with the employees.

Mr. JOHANSEN. I do not agree with that because I do not think we are committed to this thing.

Mr. PORTER. We are all concerned about the debt, but if we want to cut it down in terms of expenditures for the Federal Government, would it not be fairer, I want to ask my colleague, to cut the holidays down to, say, four or two, and make it uniform for everyone, rather than to perpetuate a system which is unfair to a good many Government workers?

The CHAIRMAN. Mr. Lesinski.

Mr. LESINSKI. Mr. Lyons, the decentralization of the Post Office Department cost the Department about \$15 million, and of course it depends upon how you figure it, but the estimate of cost is about \$15 million.

Applying this to the confusion of the IBM plans and giving certain thought back to your central office, you claim that this will cost about, each holiday, about \$3,900,000. This decentralization project of the Department itself costs \$15 million, and I think the expenses of this program could be offset very readily by having some semblance of an overall plan for doing away with certain offices.

Mr. LYONS. I do not agree at all that decentralization cost the Department \$15 million. Instead, I believe firmly—and I believe it can be demonstrated that it saved many millions of dollars.

Mr. LESINSKI. That depends on what I said before: it depends on who looks on it in what way.

The CHAIRMAN. Let us confine ourselves to this bill, and not get into another field.

Mr. Lyons, if this bill were enacted, have you given any consideration to having a short Friday in the postal service, or just keeping the post offices open half a day on Friday before the Saturday, and also to using qualified substitutes at straight-time rates so as to reduce the cost of administration?

Mr. LYONS. Mr. Chairman, we have thought about whether it would be possible to close at noon on Friday, for example, but the conclusions of our postmasters in the areas serving the business people was that it would be extremely unpopular and that the public would wish to have the service.

You may recall that at one time for a very short time, because of a lack of funds, we were forced to attempt certain economy measures, and among them was closing our window service early and other thing, and we had very vigorous protests from the public. Also we find that business depends, on the day before a holiday, very heavily on the postal service; so we felt that it would not be proper, therefore, in the event that the general community was not observing the holiday on Friday, for us to close.

As Mr. Walsh said to you, we calculated the cost at the lowest amount that it could cost by using substitutes on that day.

The CHAIRMAN. Have you anything further?

Mr. LYONS. Just that Mr. Walsh again says that the estimate assumes that all available substitutes would be used.

The CHAIRMAN. That is based upon a full day's operation on the Friday before the Saturday?

Mr. LYONS. It is.

The CHAIRMAN. Are there any further questions?

If not, we thank you very much, Mr. Lyons.

Next we will hear from Mr. Thomas G. Walters, operations director, Government Employees' Council of the AFL-CIO.

STATEMENT OF MR. THOMAS G. WALTERS, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. WALTERS. Mr. Chairman, with your permission I would like to file statements for W. H. Ryan, president of the International Association of Machinists, Harold McAvoy, president of the National Association of Post Office and Postal Transportation Service Mail Handlers, Watchmen, and Messengers, and myself.

The CHAIRMAN. Very well, they will be entered in the record.

(The statements referred to follow:)

PREPARED STATEMENT OF THOMAS G. WALTERS, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the House Post Office and Civil Service Committee, by way of introduction I am Thomas G. Walters, operations director of the Government Employees' Council, AFL-CIO. The council is made up of 24 national and international unions and associations whose membership, in whole or in part, are Federal and postal employees, representing a membership in excess of one-half million.

Mr. Chairman, on behalf of the member unions of the Government Employees' Council, AFL-CIO, and to cooperate in expediting the hearings of this most important piece of legislation, with your permission I would like to file statements for several of the member unions of the council, and to further request the privilege of other member unions of the council filing statements for the record.

We appreciate Members of the House becoming interested in the Saturday holiday subject and Mr. Chairman, we greatly appreciate your introducing H.R. 5752 and scheduling hearings on the Saturday holiday bills. Likewise, we extend our thanks and appreciation to the following for the introduction of: Mr. Lane, H.R. 191; Mr. Morrison, H.R. 207; Mr. Foley, H.R. 4363; Mr. Broyhill, H.R. 4455; Mr. Davis of Georgia, H.R. 4577; Mr. Rees, H.R. 5756; and Mr. Flynn, H.R. 5899.

We in the Government Employees' Council, AFL-CIO, are appearing before this committee today to urge committee approval of legislation that will guarantee all Federal and postal employees the benefits of holidays falling on a Saturday.

Mr. Chairman and members of the committee, one of our coworkers, Dr. William Voss, who is head of the research department of the American Federation of Government Employees, in checking the records discovered that during the

past 20 years, and for the next 20 years, there will only be 34 Saturdays during this 40-year period where a holiday will fall on a Saturday.

With some questions being raised by some of the witnesses, as to the cost of this legislation, if they take it over a long period of years the cost to the Federal Government would be very, very small.

We can see no good reason why holidays falling on Saturdays should not be granted to the employees, benefits comparable to a holiday falling on any of the other 6 days of the week.

We are of the opinion that the intent of H.R. 5752 and H.R. 5756 would perhaps be the proper course to pursue, but at the same time we are not particular about the language contained in the legislation so long as all Federal and postal employees are assured of the benefits when a holiday falls on Saturday.

We are receiving inquiries from the field specifically asking if rural letter carriers and other employees whose workweek is similar would be protected under the language of H.R. 5752 and H.R. 5756.

There have also been questions asked relative to your press release, Mr. Chairman, of April 7, 1959, and I quote: "Those employees normally scheduled to work Saturdays will not be affected and can observe the holiday on Saturday." If this statement needs any clarification to protect all employees I am sure that the members of this committee and staff will be happy to make any technical changes necessary to accomplish the intent of the legislation.

Again thanking you, Mr. Chairman, for scheduling and holding these hearings and for the opportunity of appearing and endorsing the intent of this legislation.

PREPARED STATEMENT OF WILLIAM H. RYAN, PRESIDENT AND LEGISLATIVE REPRESENTATIVE OF DISTRICT NO. 44, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO

Mr. Chairman and members of the committee, my name is William H. Ryan. I am president and legislative representative of District No. 44 of the International Association of Machinists, AFL-CIO.

District No. 44 is composed of local lodges established throughout the United States and its insular possessions, which are made up of members of the I.A. of M. who are employed by the Federal Government agencies as toolmakers, instrument makers, machinists, machine operators, aircraft mechanics, auto mechanics, welders and their helpers.

The bulk of our membership work in Department of Defense activities such as experimental laboratories, naval shipyards, arsenals, air stations, Government Printing Office, Bureau of Engraving and Printing, Coast Guard Stations, hydroelectric facilities of the Department of Interior, Panama Canal Company, Alaskan Railroad, and mail equipment shops of the Post Office Department.

The intent and purpose of H.R. 5752, and related bills, has the unanimous endorsement of our membership. We have been mandated by convention action to urge the enactment of legislation such as this committee is considering today. We feel that the enactment will be a forward step in cementing the management-labor relations in the Federal service, and, simplify, considerably, programing and scheduling of work by the field activities.

It is the belief of our organization that the same reason and sentiment that prevailed in the issuance of Executive Order 10358, dated June 9, 1952, which stipulates as follows:

"SEC. 3. Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday."

should prevail in this instance, and provide that whenever a holiday falls on a Saturday, Federal offices and establishments shall be closed to public business on the preceding Friday.

To hold that the same reason and sentiment is not applicable in this instance, would be quite faulty, inasmuch as both Saturday and Sunday are commonly recognized nonworkdays.

In further support of our position, we offer that the eight annual holidays (designated by various Federal statutes) are in fact "benefits" that the Federal employees have acquired as a result of law and Executive order, and therefore, is a vested right. The provision in Executive Order 10358, pertaining to Sundays, is a recognition of this "right."

We urge the committee members to place emphasis on the prevailing practice in industry, and we quote the following excerpt from the U.S. Department of Labor Bulletin No. 1166 which reads in part as follows:

"Of the group of 300-odd agreements examined, about 1 out of 8 specifically referred to Saturday holidays, and most of these specified pay for the Saturday holiday. Others designated another day off or allowed an option of 1 day's pay or another day off.

"(This may understate the proportion of agreements which recognized the principle of paid Saturday holidays, since no distinction was made between agreements which merely list a number of paid holidays, leaving undetermined the issue of payment for holidays falling on Saturdays, and those agreements—which are becoming increasingly prevalent—assuring payment for a designated number of holidays during the year, regardless of the day of the week on which they occur. Under the latter type of provision, there would probably be no reference to Saturday holidays, as such.)"

For those who are concerned with the cost, it must be remembered that these six holidays, governed by a "calendar date," i. e., February 22, would only fall on Saturday four times during a 25-year span (1950-75). Therefore this legislation is not as costly as some would have us believe. It should be noted that all of these holidays do not fall on a Saturday in the same year.

It is our considered opinion that the added cost would be offset considerably by the good will that will be generated by the passage of this legislation.

We wish to take this opportunity of expressing our appreciation to the chairman, Congressman Murray, and Congressman Rees, Congressman Davis, Congressman Foley, and Congressman Broyhill for having introduced this type of legislation.

Mr. Chairman, the International Association of Machinists respectfully urges the House of Representatives Post Office and Civil Service Committee to favorably report these bills.

I deeply appreciate the opportunity to testify in support of these bills.

Thank you.

PREPARED STATEMENT OF HAROLD McAVOY, NATIONAL PRESIDENT, NATIONAL ASSOCIATION OF POST OFFICE AND POSTAL TRANSPORTATION SERVICE MAIL HANDLERS, WATCHMEN, AND MESSENGERS

Mr. Chairman and members of the committee, my name is Harold McAvoy, national president of the National Association of Post Office and Postal Transportation Service Mail Handlers, Watchmen, and Messengers. We are part of the AFL-CIO and the Government Employees' Council.

I would like to thank you for the privilege of appearing before you and being able to discuss this worthy legislation that is now before your committee. By this I mean, Saturday holiday legislation. As you all are aware that under existing law, if a holiday falls on Sunday, employees will have the following day off. If an employee is scheduled to work on Sunday, he is given another day off in lieu of Sunday. The bills before your committee, in general, would provide for the observance on the preceding Friday when a legal holiday falls on Saturday. Employees normally scheduled to work Saturdays will not be affected and can observe the holiday on Saturday.

Our organization fully endorses the bills now before your committee, which will provide for a workday off whenever a legal holiday falls on Saturday or on a non-workday in lieu of Saturday.

In conclusion, I urge that you and this committee give speedy and favorable consideration to the legislation before you so that our postal employees will be in a position, when the first holiday falls on Saturday, May 30, to receive the extra day off.

Thank you.

Mr. WALTERS. These statements are submitted in order to cooperate in an effort to shorten the hearings on this much-needed legislation which we believe very strongly in, and with your permission Mr. Russell M. Stephens, president of the American Federation of Technical Engineers, would like to take about 30 seconds to make a very short statement.

Mr. Stephens is right here.

The CHAIRMAN. We will be glad to hear from you, Mr. Stephens.

**STATEMENT OF RUSSELL M. STEPHENS, PRESIDENT OF THE
AMERICAN FEDERATION OF TECHNICAL ENGINEERS, AFL-CIO**

Mr. STEPHENS. Mr. Chairman and members of the committee. In order to expedite these hearings, I would like to state that the organization that I represent, the American Federation of Technical Engineers, AFL-CIO, endorses the statement of the operations record of the Government Employees' Council and the statements that Mr. Walters is presenting for the record.

The CHAIRMAN. Very well. Do you desire your statement to be inserted in the record?

Mr. STEPHENS. I will have a statement for the record.

The CHAIRMAN. It will be so inserted.

(The statement referred to follows:)

**PREPARED STATEMENT OF RUSSELL M. STEPHENS, PRESIDENT, AMERICAN FED-
ERATION OF TECHNICAL ENGINEERS, AFL-CIO**

The American Federation of Technical Engineers, which represents engineering, scientific, and technical employees of the Federal Government, strongly endorses H.R. 5752 and similar related bills being considered by this committee.

A holiday is every bit as much a part of our employees remuneration as is his weekly salary, and when a holiday falls on a Saturday, he, under present law, loses a portion of his benefits.

In private industry collective bargaining, the trend is rapidly developing for the negotiation of guaranteed holidays. Unions have negotiated contracts to provide such guaranteed holidays by either one of three principal methods; (1) The preceding Friday or following Monday is observed as the paid holiday, or (2) a substituted paid holiday is designated for another part of that year, or (3) an extra day's pay is provided for the Saturday holiday with no substitute day off.

We know that the Congress will wish to make Government employment equally as attractive as that of private industry and we commend the sponsors of this legislation for their forward looking attitude.

Mr. WALTERS. I would like to make two very brief comments, Mr. Chairman.

According to the Bureau of Labor Statistics they have examined some 1,561 major collective-bargaining agreements which are required by law to be filed with the Department.

Each agreement covered no fewer than 1,000 employees, and their total coverage is 6,800,000 workers.

Of this group, 2,800,000 received an extra day's pay in lieu of a day off when a Saturday falls on a holiday, 885,000 are granted an extra day off with pay; and 272,000 have the choice of an extra day off with pay or the extra pay instead of the free day.

Now, these contracts that come from private industry are increasing each day, or rather, each year, to take care of situations such as this and many of these contracts provide as high as 14 holidays within 1 year.

So, the tendency in private industry is to increase the number of holidays even beyond what we now enjoy in the Federal service, which is customarily referred to as eight.

The CHAIRMAN. What are the holidays not included in the eight holidays for Federal employees?

Mr. WALTERS. Some of them are State-designated days. A good many of them pertain to local conditions in States or in other regions of the United States.

Mr. REES. Which ones are observed across the Nation besides the ones already recognized?

Mr. WALTERS. Columbus Day is fairly well observed throughout the country, I think, Mr. Rees.

I am not prepared at the moment for the record, to show these 14, but many of these contracts do provide 14 holidays.

Mr. Stephens, who has just made a few remarks, with his membership in private industry he has contracts which have as high as 14 holidays in a year.

To give you a little more emphasis on the number of holidays that will fall on Saturdays, for the past 20 years and for the next 20 years, of course, we only have 34 holidays that will fall within that period.

Of that number, there are 14 years that have no holidays falling on a Saturday, and in 19 of the years, 19 of the 40 years, it falls only one time a year and on 6 of the 40 years it will happen two times within that period of time that a Saturday will fall on a holiday; and only in 1 year of the 40-year period will we have three holidays falling on a Saturday.

Mr. Chairman, we appreciate your scheduling these hearings and likewise appreciate the number of bills that have been introduced, one by you as chairman, and one by Mr. Rees as the minority leader, and we trust that this committee will favorably report this legislation and grant to all Federal and postal employees the same universal number of holidays, which is eight, and to take care of this Saturday question once and for all.

The CHAIRMAN. I have here a list of holidays that will fall on Saturday within the next 40 years, and it shows there will be 35 within the next 40 years.

Mr. WALTERS. The 40 years coming; yes, sir.

The CHAIRMAN. From 1960 through 1999.

Mr. WALTERS. The figures I used which indicated just a difference of one, were from 1940 through 1979.

The CHAIRMAN. Mr. Broyhill.

Mr. BROYHILL. May I make this comment? I do not know what days are included in those figures that you have, but in reference to Mr. Lyons comments, I pointed out how, by Executive order, in many instances, the day before Christmas is granted as a holiday.

I would imagine the ones you have on that list are the days on which Christmas would fall on Saturday and on which it would almost be automatic, and it certainly has been the custom in the past for the administration, or the executive branch, to grant a holiday on that Friday, so I wonder just about how many days we are really talking about in this legislation? If we are certainly only talking about five of these legal holidays falling on Saturday being granted a holiday on Friday, I think that point should be emphasized and it indicates it is not as many and not as costly as has been referred to in this testimony here this morning.

Christmas is going to be an exception whether this bill is enacted or not.

The CHAIRMAN. In the next 20 years, Christmas day will fall on Saturday in only 3 years—1965, 1971, and 1976.

Mr. BROYHILL. Yes. They will be given a holiday on Friday whether it is declared a holiday or not.

The CHAIRMAN. It depends on the issuance of an Executive order, but it is not a holiday.

Mr. BROYHILL. That is correct.

Mr. WALTERS. I would like, with your permission, to submit statements for the following people: Mr. Harold B. Hughes, chairman, Government Printing Office Legislative Committee, Columbia Typographical Union No. 101; William E. Buck, secretary-treasurer of the International Association of Fire Fighters; Everett Gibson, legislative representative of the National Federation of Post Office Motor Vehicle Employees; International Brotherhood of Bookbinders; and George L. Warfel, president of the National Association of General Delivery Messengers.

Also I wish to state that Mr. Gilbert Silver, legislative representative of the International Brotherhood of Bookbinders and Mr. George Riley, legislative representative of the AFL-CIO, wish to convey their endorsement of the bill to the committee.

The CHAIRMAN. Very well, sir.

(The statements referred to follow:)

PREPARED STATEMENT OF HAROLD B. HUGHES, CHAIRMAN, GOVERNMENT PRINTING OFFICE LEGISLATIVE COMMITTEE OF COLUMBIA TYPOGRAPHICAL UNION, No. 101

Mr. Chairman and members of the committee, my name is Harold B. Hughes. I am an employee of the Government Printing Office, and appear as representative of approximately 1,500 printers at the Government Printing Office and other Government agencies.

The Government employees I represent are heartily in favor of H.R. 5752 and similar bills to grant Federal employees a workday off whenever a legal holiday falls on Saturday, or a nonworkday in lieu of Saturday.

In support of the passage of such legislation, let me call the attention of the committee to the fact that, prior to 1953, printers came to Washington from all over the country with the understanding that 26 days' annual leave would be granted by the Federal Government. Then, some employees' annual leave was cut to 13 days, others to 20 days, and it was certainly not well received. This annual leave was an important factor in bringing our members to Washington—home ties were broken, but 26 days' leave could mean an occasional trip back home to see the folks.

In light of this cut in annual leave, it does not seem a bit improper to ask the Federal Government to allow its employees the eight holidays rightfully expected every year. Favorable action on a bill to insure time off for all holidays could very well restore a portion of the confidence of the Federal employees who still consider themselves shortchanged by the cut in annual leave in 1953.

The Government employees whom I represent in the Government Printing Office are considered to be in the legislative branch of the Government. We look to Congress for guidance and help in our problems. The Public Printer will not negotiate our conditions of employment, as provided by law, but invariably reminds our scale committee that we have eight paid holidays in addition to our annual leave. This year, let's have eight paid holidays.

PREPARED STATEMENT OF WILLIAM D. BUCK, PRESIDENT, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

Mr. Chairman and members of the committee, as president and representative of the International Association of Fire Fighters, William D. Buck desires to inform you of our support of the following House bills: H.R. 191; H.R. 207; H.R. 4363; H.R. 4455; H.R. 4577; H.R. 5752; H.R. 5756; and H.R. 5899 (Saturday holiday bills).

In particular our unqualified support and appreciation of the chairman's introducing and scheduling hearings on H.R. 5752.

We appreciate the interest of the chairman and committee members in these bills.

PREPARED STATEMENT OF EVERETT G. GIBSON, LEGISLATIVE DIRECTOR, NATIONAL
FEDERATION OF POST OFFICE MOTOR VEHICLE EMPLOYEES

Mr. Chairman and members of the committee, my name is Everett G. Gibson, legislative director of the National Federation of Post Office Motor Vehicle Employees, affiliated with the AFL-CIO. Our membership is composed of all employees in the motor vehicle service of the Post Office Department. We appreciate the opportunity of appearing before this committee and endorsing this important legislation now under consideration.

We appreciate the sincere interest the chairman has indicated by introducing H.R. 5752 and the scheduling hearings on this bill and other bills that would give all Federal and postal employees the benefits of holidays falling on a Saturday.

It is our opinion, that the cost of this legislation would be very small, because of the infrequency of a holiday falling on Saturday. We urge the committee to approve this legislation.

Thank you, Mr. Chairman, and members of this committee for holding these hearings, and it is our sincere hope that the intent of this legislation will be approved and that the benefit will be enacted into law by May 30, 1959.

PREPARED STATEMENT OF GEORGE L. WARFEL, PRESIDENT, NATIONAL ASSOCIATION
OF SPECIAL DELIVERY MESSENGERS

Mr. Chairman and members of the committee, my name is George L. Warfel, president of the National Association of Special Delivery Messengers, our membership consisting of special delivery messengers in the field service of the Post Office Department.

In behalf of our membership I express their thanks to you, Mr. Chairman, and to Mr. Rees and to the authors of the several bills on this subject, for your interest in promoting this legislation to provide an equitable manner of treatment for all Federal employees in relation to holidays falling on Saturday. We endorse the intent of the legislation which would provide a workday off whenever a legal holiday falls on Saturday.

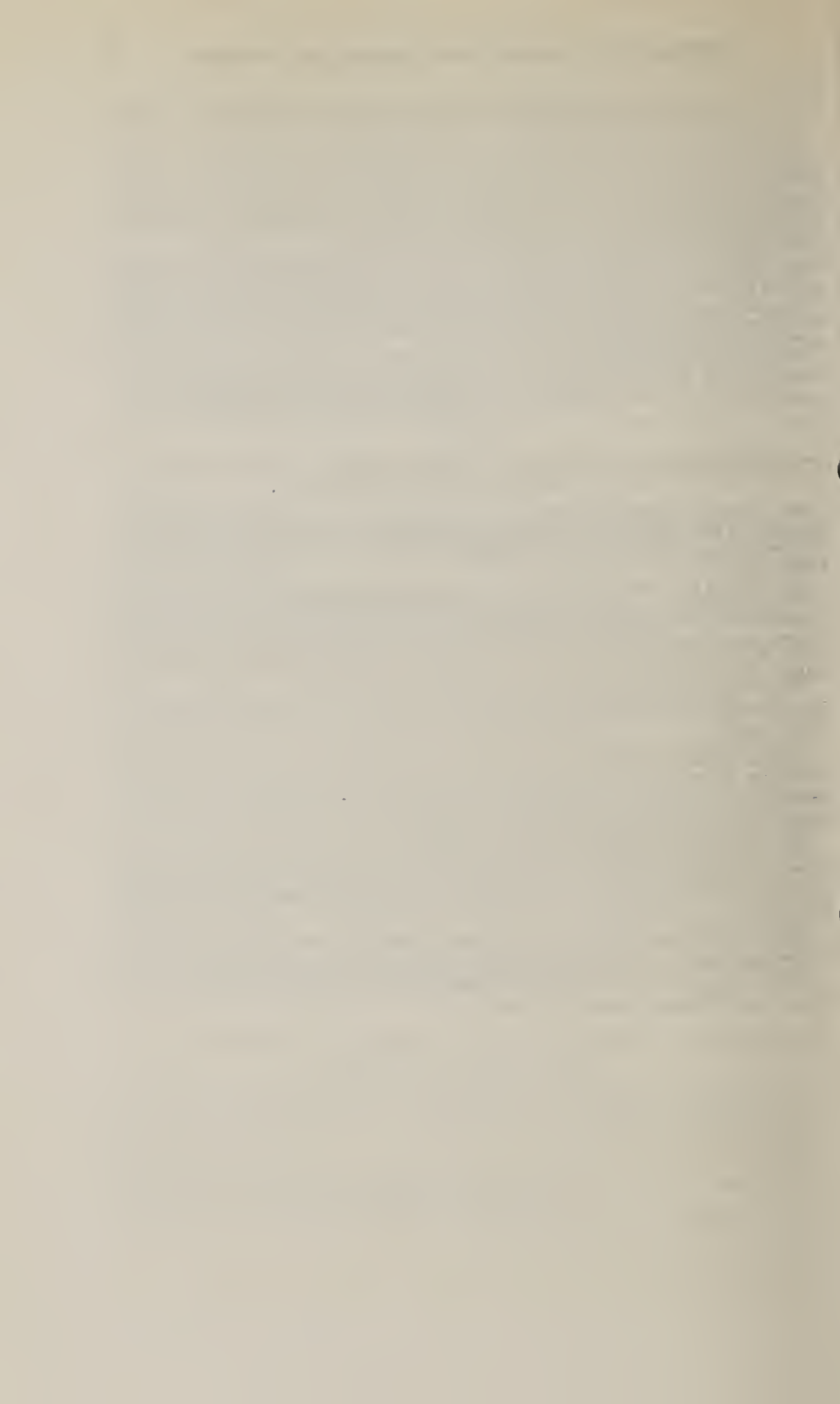
Thank you for this opportunity to be heard. We trust that the committee may favorably report a bill, and that the legislation may be enacted prior to May 30 this year.

The CHAIRMAN. We have about 10 or 12 people who are here this morning who have not yet presented their statements. It is now near the noon hour, and time for the convening of the House, so we cannot at this time hear those witnesses.

We decided to expedite these hearings and I am sure that the witnesses who have statements will not take too long to submit the same to the committee, so we will adjourn until tomorrow morning at 10 a.m.

Those witnesses who have not been called this morning will return in the morning, when the committee will reconvene, at 10 a.m.

(Whereupon, at 11:55 a.m., the committee recessed, to reconvene at 10 a.m. on Friday, April 17, 1959.)



COMPENSATION FOR HOLIDAYS FALLING ON SATURDAY

FRIDAY, APRIL 17, 1959

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met, pursuant to recess, at 10 a.m. in room 215, Old House Office Building, Hon. Tom Murray, chairman, presiding.

The CHAIRMAN. The committee will come to order.

This morning the hearings will be resumed on H.R. 5752, H.R. 5756, and related bills now pending before the committee regarding the regular holidays for Federal employees.

The first witness will be Mr. George Bursach, secretary-treasurer, National Association of Internal Revenue Employees.

STATEMENT OF GEORGE BURSACH, SECRETARY-TREASURER, NATIONAL ASSOCIATION OF INTERNAL REVENUE EMPLOYEES

Mr. BURSACH. Mr. Chairman and members of the committee, I am on leave as a special agent of the Intelligence Division of the Internal Revenue Service. I am in Washington acting as the secretary-treasurer of the National Association of Internal Revenue Employees.

I have here a statement which endorses H.R. 5752 and H.R. 5756 and I request your permission, sir, to enter this statement in the record and would also ask for permission to make comments for about 1 minute, sir.

The CHAIRMAN. Your request will be granted. Your statement will be inserted in the record at this point and you may make any observations you think pertinent.

Mr. BURSACH. Thank you, sir.

(The statement referred to follows:)

PREPARED STATEMENT OF GEORGE BURSACH, SECRETARY-TREASURER, NATIONAL ASSOCIATION OF INTERNAL REVENUE EMPLOYEES

I am George Bursach, secretary-treasurer of the National Association of Internal Revenue Employees. I am an employee of the Internal Revenue Service and am on temporary leave of absence.

Our association is composed only of Internal Revenue employees and has over 22,000 members.

In 1953, we passed a resolution favoring eight guaranteed holidays. At each succeeding annual convention since 1953, we have passed a similar resolution.

Our position is clear. We advocate a workday off when the holiday falls on a nonworkday.

An economic factor also relates itself to these particular bills. In addition to being important patriotic national holidays, the 2 days have created an additional significance to the public by custom. The custom of visiting distant areas to be with

friends, relatives, and for purposes of recreation and entertainment have expanded whenever a holiday occurred adjacent to a weekend. Generally, such visiting promotes financial expenditures which are of direct benefit to the various services which accommodate these travelers. The services benefiting from such expenditures would be the transportation facilities, automobile service stations, hotels, motels, restaurants, and all places of entertainment. A 2-day holiday period for Memorial Day and the Fourth of July would curtail distant travel associated with long weekends with the consequent diminished expenditures, whereas permitting the Friday to be an absence from duty with the resultant increase in a long weekend would expand expenditures of funds with resultant economic benefits to all concerned.

H.R. 5752 introduced by the distinguished chairman of this committee and H.R. 5756 introduced by the distinguished former chairman of this committee are most acceptable to our association. We strongly urge their acceptance by this committee.

Chairman Murray and his colleague, Congressman Rees, have proved again they are the champions of our cause. We are deeply grateful to them for introducing these bills, and we are grateful to the entire committee for their consideration of these bills.

I appreciate the opportunity to present this statement.

Mr. BURSACH. The comments I would like to make cover about three short items. One is concerned with the production related to the bills and as it affects the postal and classified employees.

In the estimation of our organization production is not actually lost. We feel that it is only deferred.

Now as to consideration of the possible problems that occur in the postal organizations and classified organizations, we feel that if consideration is given to either one of them as to the problems that are created due to the acceptance of the bill and passage of it, that that itself, in consideration of it, might create discriminatory actions.

No. 3, I would like to point out to the committee that there may be an economic gain that would accrue to the businesses of this Nation and also to the Nation itself if the Federal employees are permitted to have a holiday consisting of a 3-day period.

Of the 2 million Federal employees it is assumed that one-half, or 1 million, would take a prolonged trip with the subsequent and consequent expenditure of funds, perhaps averaging \$100 per family and we can visualize that that may mean \$200 million being expended for the good of the economy and of the Nation, and we feel that that would be very helpful.

I thank the committee for permitting me to make this appearance and presenting the statement and making my comments.

The CHAIRMAN. Are there any questions by the members of the committee?

I would like to thank you very much.

Mr. BURSACH. Thank you, sir.

The CHAIRMAN. The next witness is Mr. John MacKay, president, National Postal Clerks Union.

STATEMENT OF JOHN MacKAY, PRESIDENT, NATIONAL POSTAL CLERKS UNION; ACCOMPANIED BY DAVID SILVERGLEID, SECRETARY-TREASURER

The CHAIRMAN. I believe, Mr. MacKay, you are accompanied by Mr. David Silvergleid, your secretary-treasurer.

Mr. MacKAY. That is correct, Mr. Chairman.

Mr. Chairman and members of the committee, my name is John W. MacKay, and I am serving as interim president of the new

National Postal Clerks Union, located at 918 F Street NW., Washington, D.C.

I am joined by our secretary-treasurer, David Silvergleid. We represent approximately 25,000 post office clerks throughout the Nation. Our permanent officers will be elected subsequent to our constitutional convention now scheduled in the city of Washington, D.C., on May 14-16, 1959.

It is indeed a privilege to appear before this committee to testify on H.R. 5752 and H.R. 5756, as introduced respectively by your chairman, Congressman Tom Murray and your ranking minority member, Congressman Edward H. Rees.

At the outset, we desire to express our approval of the legislation under consideration. We would also like to convey our sincere appreciation to both Congressman Murray and Congressman Rees for their recognition of the injustice and inequity of the present situation regarding Saturday holidays.

Not long after the 40-hour workweek went into effect in the Federal service, the Comptroller General of the United States ruled on the question of legal holidays which occurred on Saturdays.

We believe he struck a sad blow to employee morale at that time when he ruled Federal employees lost their legal holidays occurring on Saturdays.

To add even further to the unfortunate situation just last year, when called upon for a further ruling, the Comptroller General decided Federal employees who worked on a holiday occurring on Saturday, would receive 2 days off therefor; however, those Federal employees who did not work on a legal holiday which occurred on Saturday, received no additional time off at all.

The bills before the committee today would not only correct a long-standing inequity, but would eliminate all the confusion caused by this last ruling.

We might further add at this point that it is a common practice in private industry to stipulate in collective-bargaining agreements for certain specified legal holidays.

In many instances, such employees, so covered and working on such holidays, receive either time off or compensation at time-and-one-half or double-time rates, regardless of the particular day of the week on which these holidays occur.

A long-sought legislative objective of postal employees has been compensatory time off at the rate of time and one-half for Saturdays and Sundays, and compensatory time off at the rate of double time for service performed on legal holidays. We would appreciate your serious consideration of these proposals even though the time element involved herein might militate against their inclusion in the bills immediately before you.

Again, let us emphasize that we are in full accord with the intent and purpose of H.R. 5752 and H.R. 5756, and we are hopeful this committee will approve the same forthwith. Similar speedy action in the U.S. Senate will enable Federal employees to enjoy the fruits of this legislation beginning Memorial Day of this year.

In conclusion, Mr. Chairman and members of the committee, may we assure you there is considerable interest evidenced by our membership in this legislation. We appreciate your sponsorship of this measure and we are very grateful for this opportunity to express our sentiment on these bills now pending before your committee.

The CHAIRMAN. Are there any questions by the members of the committee?

Mr. LESINSKI. I have one question, Mr. Chairman.

Mr. MACKAY, with reference to Memorial Day, if the Post Office Department feels that it does not have sufficient funds this year in appropriations that have already been passed to allow giving the days off this year and for that reason might have to come back for a supplemental appropriation and therefore the Department would strongly be opposed, as it is now, would it be appropriate to postpone the date of enactment say until next year?

Mr. MACKAY. Would it be appropriate, sir?

Mr. LESINSKI. Yes.

Mr. MACKAY. Well, our position would be that it would not be consistent because it was pointed out here, I believe, in the testimony yesterday, that if the Post Office Department was operating under deficiency funds it would be operating in that category not only for the particular holiday in question but for the previous days of that week as well as the days following that week. So I doubt that it would be a valid reason for delaying this legislation.

Mr. LESINSKI. Well, the only reason I brought it up was if that be a valid reason, with the chances of a veto, to postpone it for 1 year. In other words, with the postponement of a year would there be a better chance of putting it through, with this chance of its being beat down by veto?

Mr. MACKAY. Sir, we always recognized the fact that the executive branch of the Government, of course, has the authority to pass on the bills that are approved by the Congress; however, I might say that we take a great deal of encouragement from the action of the chairman of this committee, Mr. Murray, and the ranking minority member, Mr. Rees, because of the fact they have seen fit to introduce this legislation; and, certainly, with such substantial support it is quite possible that it might be passed even over the Presidential veto.

Mr. LESINSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Johansen.

Mr. JOHANSEN. It is your feeling, as I understand it, that whenever there is a holiday which occurs at a time when an employee is not at work, that he is penalized, that it is inequitable because, under the circumstances, that holiday falls on a day not within his workweek? Am I correct in my understanding of your position?

Mr. MACKAY. Well, our position, sir, is that when the holiday falls on a Saturday and the employee is already off on the Saturday that he gets no recognition for the holiday, whereas, if the holiday falls on Sunday, he does get recognition and is permitted to take the following day off.

Mr. JOHANSEN. Is it your position that if the holiday falls on any day that is not within his workweek then he should get the holiday premium pay or compensatory time even though that day is not within his workweek?

For example, if an employee's work schedule normally calls for Sunday through Thursday, in that event, if the holiday falls on Saturday or if the holiday falls on Friday, is it your position that he should then get the benefit of either compensatory time off or a day's pay for that holiday?

Mr. MACKAY. Well, sir, it is our position that when the Government established eight legal holidays that the people we represent should get those eight legal holidays, that they should not be deprived of any of them, even though they might by chance happen to fall on Saturday.

Mr. JOHANSEN. Then would your answer to my original question be, "Yes, if the holiday falls on a day not within the employee's regular workweek, then he should in one way or another get the extra premium in recognition of that holiday?"

Mr. MACKAY. Well, I think, "Yes," because irrespective of what the workweek may be, if he lost a holiday, we believe he is entitled to receive it.

Mr. JOHANSEN. If a holiday fell, in other words, on Sunday for a man who worked Saturday or fell on a Saturday for a man who worked Sunday to Thursday or Monday through Friday, then he should still get it?

Mr. MACKAY. Irrespective of the workweek, we feel the man is entitled to the holiday and he should receive it.

Mr. JOHANSEN. Now when you say the Government established a certain number of legal holidays, has the Government, by statute, provided heretofore anything that constitutes a guarantee of these extra premium benefits for that holiday because the Government has by statute designated those holidays?

Mr. MACKAY. It is my understanding that they have established the legal holidays and they have also provided that when such holidays fall on a Sunday the employees will receive the holiday the following day. That is our understanding and if that is the case, we feel this legislation is highly consistent with the precedent that has been recognized up to this time.

Mr. JOHANSEN. I am not arguing that point at the moment, but the fact is that as of now there has been no statutory guarantee of these benefits regardless of when the holiday falls. There has been no guarantee that there would be these benefits for eight holidays, regardless when these holidays fall. That has not been enacted as yet, has it?

Mr. MACKAY. It is my understanding it has been enacted as far as Sunday holidays are concerned.

Mr. JOHANSEN. That is not responsive to my question. My question was this: Is it or is it not true that as of now there has been no statute enacted guaranteeing these premium benefits for a holiday regardless of when it falls? As of now, that has not been done, has it?

Mr. SILVERGLEID. May I answer that for a moment?

Mr. JOHANSEN. Yes.

Mr. SILVERGLEID. Mr. Congressman, I believe it has not been done by statute, but I would like to call this to your attention, that this Congress has provided that our substitute employees in the postal service be given an hourly rate of pay which includes eight legal holidays, so that in effect the substitute employee is guaranteed pay for eight legal holidays while the regular employee is not. And I believe the chairman's purpose in submitting this legislation was to establish a uniform practice and eliminate the current inequities.

Mr. JOHANSEN. Perhaps this has been confusing, but is not the answer still, "No," that as of now there has not, by statute, been a

guarantee of these premium benefits for eight legal holidays regardless of when those holidays fall? Is that not true?

Mr. SILVERGLEID. Mr. Congressman, if you tell us that is a fact, we will accept it. Frankly, we do not know.

Mr. JOHANSEN. Well, the reason I raised the question is because we heard yesterday constant references to keeping the faith and it is my point that that is based on a premise that we have by statute guaranteed something which as of now we have not guaranteed.

Mr. SILVERGLEID. May I add this, Mr. Chairman. Mr. Johansen, I do have knowledge of the fact that in most contracts in private industry there are definite holidays specified with the provision of regardless of what day of the week they fall on the employee is to be paid for those holidays.

Mr. JOHANSEN. You say in most contracts?

Mr. SILVERGLEID. In most contracts in private industry.

Mr. JOHANSEN. I would question whether it is "most." By "most" you mean "majority." Undoubtedly it is true of some. So you come in and testify that the Government, in order to maintain personnel practices up to the highest standards that you have been able to secure in private industry, we must therefore enact it and then when we enact it, you go back and tell the rest of industry that we have made it now a matter of public policy so they had better get in line.

Is that not correct?

Mr. SILVERGLEID. We maintain, Congressman, as long as you put the question that way, that inasmuch as we, as Federal employees, have given up voluntarily, and by law, certain privileges that are enjoyed by individuals in private industries——

Mr. JOHANSEN. Such as the right to strike?

Mr. SILVERGLEID. Such as the right to strike, and so on.

Mr. JOHANSEN. Well, let's say it.

Mr. SILVERGLEID. That the Congress should, and I believe in most cases they try to, provide us with a balance at least equal to some of the privileges enjoyed by workers in private industry.

Mr. JOHANSEN. All right now, is it true or is it not that we are beginning to have provisions in some union contracts that a man is to either receive double pay if he works or a day off with pay, on his birthday?

Mr. SILVERGLEID. On his birthday?

Mr. JOHANSEN. Yes.

Mr. SILVERGLEID. I do not know anything about that.

Mr. JOHANSEN. Let me inform the gentleman that that is being done.

Mr. SILVERGLEID. We do know, Mr. Congressman, that most contracts in private industry provide for double-time pay on holidays, something which we have never enjoyed in the Federal service.

Mr. JOHANSEN. Now I would like to know how soon it is going to be before the representatives of the Federal employees come in here and ask for either double pay, if they work, or a day off with pay, on their birthdays?

Mr. SILVERGLEID. Does the chairman want me to answer that question?

The CHAIRMAN. Yes.

Mr. SILVERGLEID. I am afraid I cannot.

The CHAIRMAN. All right, sir.

Mr. JOHANSEN. Well, I want to give notice now that any other witnesses who appear are going to be asked these same questions and I have a further question which I will reserve for some of them.

The CHAIRMAN. Are there any other questions?

If not, thank you very much.

We will next hear from Mr. Ross Messer, legislative representative, National Association of Post Office and General Services Maintenance Employees.

STATEMENT OF ROSS A. MESSER, LEGISLATIVE REPRESENTATIVE NATIONAL ASSOCIATION OF POST OFFICE AND GENERAL SERVICES MAINTENANCE EMPLOYEES

Mr. MESSER. Mr. Chairman, I have a very short statement, and if it is agreeable with you I will place it in the record and just make a couple of brief comments.

The CHAIRMAN. It will be placed in the record at this point and you may make such comments as you wish.

(The statement referred to follows:)

PREPARED STATEMENT OF ROSS A. MESSER, LEGISLATIVE REPRESENTATIVE, NATIONAL ASSOCIATION OF POST OFFICE AND GENERAL SERVICES MAINTENANCE EMPLOYEES

Thank you, Mr. Chairman and members of the committee, for this opportunity to appear before you today. I am Ross A. Messer, legislative representative for the National Association of Post Office and General Services Maintenance Employees, representing the maintenance employees of the postal field service and General Services Administration.

I wish to take this opportunity to thank Chairman Murray and the other members of the committee who have introduced bills to correct the injustices of the Saturday holiday situation.

Under present laws relating to holidays, Government employees lose all holidays falling on Saturday unless they are scheduled to work on Saturday. Although there are eight legal holidays to which employees are entitled, all employees do not always get all of the holidays. The proposed legislation would correct this injustice and insure that all employees receive all eight holidays.

Employees who have a basic workweek which includes Saturday lose any holiday falling on the day of the week which is their day off for Saturday. This has been a great injustice to the employees who are required to work on Saturday and then lose the holiday which falls on their day off for Saturday. This injustice has required these employees to work a 40-hour week while other employees are working a 32-hour week. Regulations covering this subject are very difficult to understand and the employees losing the holiday do not understand the application of the law which requires their working 40 hours while their fellow employees with a workweek of Monday through Friday have a 32-hour workweek. Regardless of the explanation, the employees can find no justice in losing a holiday which is enjoyed by their fellow workers. This inequity has created confusion and a morale problem among the employees, as well as requiring considerable time in the agency explaining the inequity to the employees losing the holiday.

Subsection (1) of section 1, H.R. 5752, provides that any holiday falling on Saturday shall be observed on the day immediately preceding such Saturday, thereby assuring all employees whose basic workweek is Monday through Friday of receiving all eight legal holidays.

Subsection (2) of section 1, H.R. 5752, provides that employees with a workweek other than Monday through Friday shall receive all holidays falling on their day off for Saturday and places this group of employees on a par with other Government employees, as far as holidays are concerned.

The changes in law relating to holidays as set forth in H.R. 5752 and other bills before the committee are very greatly desired by Government employees as correcting a very unsatisfactory situation which has existed for many years. The

proposed changes would place all employees on an equal footing regarding the eight legal holidays and any holidays which may be declared by Executive order.

It is our hope that the committee will favorably report H.R. 5752 at the earliest possible date, so that it can be enacted into law before the employees lose the two holidays falling on Saturday this year, May 30 and July 4.

I wish to again thank you, Mr. Chairman and members of the committee, for your interest in correcting the holiday inequities which have existed for so many years and providing for all employees to receive all holidays.

Mr. MESSER. Mr. Chairman, we would like to endorse the proposal by Congressman Rees and yourself insofar as they will correct an inequity or inequities which have existed for a number of years.

These employees under the Classification Act who have a scheduling requiring them to work on Saturday are not given a holiday during the week, that the holiday falls on a day that they observe as their Saturday, therefore they are required to work on those specific weeks for 40 hours while the other Government employees are working 32 hours.

It is true that they do get paid for a holiday if it falls on a Saturday, but there are more holidays that do not fall on a Saturday than there are that fall on a Saturday and we think that this legislation will correct this situation and improve the morale and also relieve the agencies of a very difficult time that they have in trying to explain this situation.

The CHAIRMAN. All right, thank you, Mr. Messer.

Are there any questions from members of the committee?

If not, thank you very much, Mr. Messer.

Our next witness is Mr. Charles R. Larson, president of the National Rural Letter Carriers Association.

STATEMENT OF CHARLES R. LARSON, PRESIDENT, NATIONAL RURAL LETTER CARRIERS ASSOCIATION

Mr. LARSON. Mr. Chairman and members of the committee. My name is Charles R. Larson. I am president of the National Rural Letter Carriers' Association, an organization representing 36,700 regular, retired, and substitute rural carriers of the United States.

I would like to add that I have accompanying me this morning our national secretary, Mr. John W. Emeigh, and with your permission we would appreciate the opportunity of any testimony that he may give.

The CHAIRMAN. Very well.

Mr. LARSON. We are pleased to have this opportunity to appear before this committee and endorse the principle of the legislation under consideration which would extend the privilege of eight paid legal holidays per year to employees irrespective of the day of the week on which they may fall.

Employees generally have the understanding that they are entitled to eight such holidays from scheduled workdays and are disappointed during those years when one or more of those holidays fall on a Saturday or other nonscheduled workday. In effect, they lose the benefit of such holiday time. This problem has not been felt as keenly by rural carriers due to the fact that their workweek is Monday through Saturday.

We commend Chairman Murray, Congressmen Morrison, Davis, Foley, Rees, Broyhill, and others of the Congress who have recognized

this problem and introduced bills to correct it. We are pleased to support the objectives of H.R. 5752.

The language of the bill, however, would create an inequity for rural carriers who take leave during any such week when a holiday falls on Saturday. The original leave inequity was corrected by the 80th Congress in the enactment of Public Law 44.

This law equalized leave privileges of rural carriers with that of other employees. It permitted the authorized absence of rural carriers on Saturdays during periods of annual or sick leave of 5 or more days duration—or 4 days duration if a holiday falls within or at the beginning or end of the period of sick or annual leave—without charge to such leave or loss of compensation.

In effect, this law corrected an inequity and established like leave privileges for rural carriers.

H.R. 5752, however, if enacted into law would reestablish an inequity. As an example, Memorial Day falls on a Saturday during the week May 25–30 this year. Under present law all employees, including rural carriers, who would be on authorized absence during that week would be charged with 5 days leave.

Under the language of H.R. 5752, most employees who would be on authorized absence during that week would be charged with 4 days leave. Rural carriers, however, who would be on authorized absence during that week would continue to be charged with 5 days leave. This would then destroy the leave equity granted by previous law.

We trust that the committee will agree with our recommendation that H.R. 5752 should be amended to prevent such inequity. We have worked with the committee staff on this problem and it is our understanding that an appropriate amendment is in the hands of the chairman.

With such amendment we give full endorsement and support to H.R. 5752.

The CHAIRMAN. Are there any questions of Mr. Larson?

If not, thank you very much.

Do you have any statement you would like to submit, Mr. Emeigh?

Mr. EMEIGH. No, sir.

Mr. LARSON. I wish to thank you, Mr. Chairman, for this opportunity to present our statement for the record.

The CHAIRMAN. Next we will hear from Mr. Paul Nagle, president, National Postal Transport Association.

STATEMENT OF PAUL A. NAGLE, PRESIDENT, NATIONAL POSTAL TRANSPORT ASSOCIATION

Mr. NAGLE. Mr. Chairman, my name is Paul A. Nagle. I have prepared a statement which has been placed before each of you; however, I think if agreeable with you, I will dispense with reading the statement and simply make some remarks about the legislation which we are considering here this morning.

The CHAIRMAN. Your statement will be inserted in the record at this point.

Mr. NAGLE. Thank you very much.

(The statement referred to follows:)

PREPARED STATEMENT OF PAUL A. NAGLE, PRESIDENT, NATIONAL POSTAL
TRANSPORT ASSOCIATION

Mr. Chairman, my name is Paul A. Nagle. I am president of the National Postal Transport Association representing 30,000 employees of the Post Office Department's Postal Transportation Service.

Mr. Chairman, please accept the commendations of the National Postal Transport Association for having scheduled hearings on H.R. 5752, and related legislation, to provide for absences of civilian employees from duty when holidays fall on Saturdays.

The importance of this legislation is far greater than might immediately be apparent. The family of employees comprising the Postal Transportation Service has a specially keen interest in the matter because of our unique methods of employment. Section 607(a) of Public Law 68 specifies that the tours of duty of Postal Transportation Service employees assigned to road duty "shall aggregate an average of not more than 8 hours a day for 252 days a year * * *"

The annual requirement is 52 weeks of 5 days, less 8 holidays. Postal Transportation Service employees in road duty do not receive holidays in the sense that they are allowed to other employees. The value of those holidays has already been granted in the sense that the law requires from these employees a period of service aggregating 252 days. Holidays are treated just like any other day when they fall within a road service employee's working tour, or cycle of duty. This is true regardless of the day of the week upon which the holiday falls. Thus, if a road service employee performs service on a holiday, he receives no compensatory time for such service.

Postal Transportation Service employees in other than road service find it difficult to understand that the same law should not guarantee the same eight holidays to all employees, regardless of their working assignments.

The eight holiday feature also arises in another way in the postal service in the sense that hourly rates of substitute employees are computed by a different procedure than that followed for computation of the hourly rate of compensation for annual rate employees. The Postal Field Service Compensation Act of 1955 (Public Law 68) provides in section 601(d) (1) and (2) that the hourly rate of employees "other than substitute employees" shall be computed by dividing the annual rate of basic compensation by 2,080. The annual rate for substitute employees is computed on a basis of 2,016. The difference again is 64, or eight holidays of 8 hours each.

Substitute employees are given no compensatory time off for services performed on holidays, and accordingly, the equivalent of the holiday allowance is built into the hourly rate of those employees. One inequity of this system, seriously in need of being remedied, is that substitute employees receive no credit of any kind when a holiday is granted by Executive order.

Mr. Chairman, one of the bills which you are considering is H.R. 535, sponsored by a distinguished member of this committee, the gentleman from Michigan, Mr. Lesinski. H.R. 535 is a piece of legislation which, in the opinion of the National Postal Transport Association, comes closest to providing the solution to the Saturday holiday problem.

H.R. 535 provides that "for time worked on a day referred to as a holiday * * * or for service in excess of 32 hours during any week in which a holiday falls * * * each employee * * * shall either be granted compensatory time in an amount equal to such time worked within 30 working days, or be paid premium compensation * * *."

By the simple 32-hour expedient, H.R. 535 would provide assurance against any legal intricacy which might serve to deny holiday privileges to eligible employees.

Mr. Chairman, on February 5, 1958, the Comptroller General of the United States lowered the last barrier in the path of full grant of Saturday holiday rights to all employees. In that decision (B-135077) the Comptroller General held that to deny holiday benefits to an employee scheduled to perform service on Saturday "appears to be contrary to the basic concept" of the holiday provisions of the Postal Field Service Compensation Act of 1955.

Following the issuance of the Comptroller General's decision, the Post Office Department informed its employees that the decision could benefit only those employees actually scheduled to perform service on the holiday. Thus, an additional ingredient has been added, and in still another way, holiday benefits which should be uniform are applied unequally to different groups of employees.

Mr. Chairman, the National Postal Transport Association believes that enactment of H.R. 535, or similar legislation, is essential in order that stability, equity,

and good accounting procedures may be brought to the holiday practices of the Federal Government as employer.

Mr. Chairman, seven members of your distinguished committee have sponsored legislation to correct the Saturday holiday problem. The National Postal Transport Association wishes to extend commendations and gratitude to you, Mr. Chairman, for having sponsored H.R. 5752, to Congressman Rees for having sponsored H.R. 5756, to Congressman Morrison for having sponsored H.R. 207, to Congressman Davis of Georgia for having sponsored H.R. 4577, to Congressman Broyhill for having sponsored H.R. 4455, and to Congressman Foley for having sponsored H.R. 4363.

Mr. Chairman, the National Postal Transport Association is especially appreciative of the corrective action being undertaken by your distinguished committee, and we wish to convey to you our earnest gratitude for being allowed to appear before you to present our views in support of this legislation.

Mr. NAGLE. I am accompanied here this morning by the vice president, Harold A. Manker, and by the industrial secretary, Wallace J. Legge.

Now we want to commend you very particularly for sponsoring H.R. 5752 and also the ranking minority member, Mr. Rees, for having sponsored H.R. 5756 and also the gentleman from Michigan, Mr. Lesinski, for sponsoring H.R. 535.

In the opinion of the National Postal Transport Association any one of these bills would afford the answer to the problem of Saturday holidays which now confronts us.

As the person who represents the organization which perhaps, among Federal employees generally has more of its members working on every weekend, we in the National Postal Transport Association are able to talk with some authority about the way in which this practice has worked detrimentally; and you, Mr. Chairman, I believe, had a father who was a member of this association, so you certainly have a keen awareness of the way in which the people who represent the railway mail service have a practice of working on Saturdays.

In fact, a week ago we spent the entire afternoon in the Post Office Department trying to persuade the Department that they were not affording sufficient weekend service to the public.

This is our position. We are not trying to evade or avoid service on weekends.

We do believe that the present uncertainty in the statutes on holidays should be clarified to make certain that the full eight holiday coverage is available to each Federal employee.

In this respect, and partly because of the objection raised by Assistant Postmaster General Lyons concerning the closing of Federal agencies such as the post office on holidays, the National Transport Association is particularly attracted to the bill by Mr. Lesinski which provides for only 32 hours of service to be performed during any week in which a holiday falls.

This, we think, would accomplish the dual purpose of assuring to the employee the benefits of the holiday coverage and at the same time would make certain that the agency in which the employee is at work would not be closed down at a crucial time.

The Assistant Postmaster General, Bureau of Personnel, Mr. Lyons, testified yesterday that the Saturday holiday provisions which we are seeking to have changed would in effect provide a pay raise for postal employees. Our position is that quite the reverse is true at the present time and that when a holiday falls on Saturday, the individuals who

would receive such holiday payments are actually receiving a cut in pay.

This is true because the annual rate of our regular employees in the postal service, their salary is computed on the basis of 2,080 hours per annum, and the hourly rate of the substitute employee is computed on the basis of 2,016 hours per annum.

Consequently, whenever a holiday falls on Saturday, unless an employee under the Comptroller General's decision last January is slated to work on that day, whenever the holiday falls on Saturday, the individual receives one net less holiday and in effect then performs one additional day of service.

There was also some mention made here earlier to practices in industrial unions and I have before me the AFL-CIO collective-bargaining report for March in which a specific reference is made to holidays falling on Saturday and I will leave it with the reporter, if I may.

Might I be permitted to read this, Mr. Chairman. There are only about four or five small paragraphs.

The CHAIRMAN. It is not too lengthy?

Mr. NAGLE. It is just about four paragraphs.

There has been a marked trend toward assurances that holidays named in the agreement will be paid for regardless of whether or not they fall on a regular workday. This is to prevent the loss of pay for holidays which happen to fall on Saturday or some other regular day off.

I will not read the balance of it, but this sets the tone, I think, for what constitutes the increasing practice in private industry.

Now, if I may anticipate a question here, Mr. Chairman, I would like to direct myself to the matter of holidays falling on an individual's birthday and, in my opinion, the time when we might be compelled to come to your committee to ask for benefits of that type would be completely governed by instructions from our membership about what they think to be the proper approach.

The CHAIRMAN. I would be opposed to that.

Mr. NAGLE. The membership of the National Postal Transport Association, to the best of my knowledge and belief, never even made a casual or passing reference to any such thing; so I anticipate, Mr. Chairman, it will not be necessary for you to oppose any such proposition coming from the National Postal Transport Association.

If I may, sir, I would like to simply declare now that we in the National Postal Transport Association are deeply gratified that several members of your distinguished committee have introduced legislation to provide for relief of the type here being sought and want to assure you of our deep gratitude for our opportunity to appear before the committee this morning.

The CHAIRMAN. Thank you. Are there any questions from members of the committee?

Mr. JOHANSEN. I have a few.

Mr. Nagle, I assume that your disclaimer is only a qualified disclaimer, in other words, you know of no plan at the present time to raise the matter of the birthday holiday. You do not know that that possibility is foreclosed, however, do you?

Mr. NAGLE. No, sir. We would not foreclose the possibility, but it seems to me to be outside the realm of reasonableness at this point.

Mr. JOHANSEN. Would you say it is outside the realm of reasonableness in the negotiation of union contracts in private enterprise?

Mr. NAGLE. The practice in private industrial unions and those in the Federal service do not, as has been mentioned here this morning, always coincide or parallel each other.

Mr. JOHANSEN. May I interrupt at that point and say that may or may not be true, but is it not true that once a practice gains a fairly substantial foothold in private enterprise, that fact is used as an argumentative point repeatedly and consistently before this committee for the purpose of extending it to Federal employees? Is that not true?

Mr. NAGLE. The answer is "Yes." My qualification is this, that to the best of my knowledge I know of no contract, no contract at all, in which a holiday falling on a person's birthday is a holiday for the purpose of the contract. I know of nothing of that sort.

I mentioned this because I believe this may be on the very outside fringe in the sense that you, Mr. Congressman, used the reference of a substantial foothold; so I have tried to acquaint myself with some of the provisions of industrial union contracts and since I know of no such contract myself personally, I believe that the prospects of a substantial foothold being secured are rather slight.

Mr. JOHANSEN. May I ask you this question, and I want to be completely fair, Mr. Nagle, but there are such contracts and I would make the observation generally that when such contracts start, this sort of thing is pursued and grows and grows. I am not arguing the merits and demerits of it. That is just one of the facts of life.

Now let me ask you this question. Under a union contract which does provide for either double pay if a person works on his birthday or for a day off with pay if he does not work, do you not see the possibility of a very gross and serious inequity when the birthday of that employee falls on a nonworkday?

Mr. NAGLE. This could not be very gross. I think it might be a difficult thing.

Mr. JOHANSEN. Wait a minute. Everybody has a birthday once a year. The matter we are talking about here with respect to holidays does not even occur every year and yet a great hullabaloo has been made here about the inequity in that.

Mr. NAGLE. A spectacular irregularity in this birthday thing would seem to arise on February 29.

Mr. JOHANSEN. I think that can be rectified by quadruple time on the basis that it only occurs once in every 4 years.

Mr. Nagle, I am not being facetious about this matter. I talked with a gentleman last night who said, "I had to agree to that in the union contract to keep peace."

Now, this is not talking about something in the remote future.

Mr. NAGLE. Mr. Chairman, my testimony is directed at the matter of Saturday holidays this morning and the fact that the law does stipulate for a regular rate for annual employees on the basis of 2,080 hours and for substitute employees on the basis of 2,016 hours, and this is the full extent of our statutory testimony, and I hope and anticipate that there will be no such difficulties as Mr. Johansen anticipates.

The CHAIRMAN. Are there any further questions?

If not, we thank you.

Mr. NAGLE. Thank you very much, Mr. Chairman.

The CHAIRMAN. Our next witness is Mr. John McCart, legislative representative of the American Federation of Government Employees.

**STATEMENT OF JOHN McCART, LEGISLATIVE REPRESENTATIVE,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. McCART. Mr. Chairman, my name is John A. McCart. I am legislative representative of the American Federation of Government Employees.

Our prepared statement has been submitted to the committee, Mr. Chairman, and in order to avoid repetition, if I may, I would like to allude to just one or two points that are covered in our prepared statement.

The CHAIRMAN. Your statement will be inserted in the record at this point.

Mr. McCART. Thank you, Mr. Chairman.

(The statement referred to follows:)

**PREPARED STATEMENT OF JOHN McCART, LEGISLATIVE REPRESENTATIVE,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. Chairman and members of the committee, enactment of legislation to provide for the observance on another day of a holiday which falls on Saturday has the unqualified support of the American Federation of Government Employees.

Pending bills which have this objective include H.R. 4191 by Representative Foley, H.R. 4455 by Representative Broyhill, H.R. 4577 by Representative Davis, H.R. 5752 by Representative Murray, H.R. 5756 by Representative Rees, and H.R. 5899 by Representative Flynn. We urge the enactment of the provisions of these bills which would insure equitable treatment for Federal employees.

As presently written, these bills provide for the observance on Friday of a holiday which falls on Saturday, and stipulate the "Federal offices and establishments shall be closed to public business." The bills would close Federal agencies on Friday which is a workday for the great majority of employees who lose the benefit of a day off when the holiday falls on Saturday, a nonworkday.

If this practice were adopted by the Federal Government it would create no precedent, for here as in the case of such benefits as health insurance, the Federal Government is lagging behind private industry.

At present there are 3.8 million employees of private industrial firms who receive extra pay or a compensatory day off when one of their paid holidays falls on Saturday. This fact may come as a surprise to many. It was revealed in the findings of a survey completed very recently by the Bureau of Labor Statistics of the Department of Labor.

BLS examined 1,561 major collective bargaining agreements which are filed with the Department. Each agreement covers no fewer than 1,000 employees, and their total coverage is 6.8 million workers.

Of the 3.8 million who are given the benefit of the Saturday holiday, 2.8 million receive an extra day's pay in lieu of a day off; 885,000 are granted an extra day off with pay; and 272,000 have the choice of an extra day off with pay or the extra pay instead of the free day. The industries in which this Saturday compensation occurs are chiefly primary metal, machinery, rubber products, apparel, and transportation equipment. Although slightly more than half the 1,561 agreements containing holiday provisions make no mention of compensation for a Saturday holiday, it is believed that a goodly number of workers receive it as a matter of custom or of practice which is not specifically stated.

A recent survey of the Chicago area by the Chicago Association of Commerce and Industry indicated that 62 percent of the office and plant workers employed by the 1,181 firms surveyed would receive Friday or some other day as a holiday to compensate for Memorial Day and Independence Day which this year fall on Saturday. There are 478,000 persons employed by the firms included in the survey.

Federal agencies are now closed on Saturday and Sunday, and, except for those employees needed for continuous-duty service, Federal employees are relieved

from work on those days. The great majority of the employees are on a 5-day work schedule and these 5 days coincide with the administrative workweek from Monday to Friday, inclusive. Obviously, the Saturday holiday is of no benefit to Federal employees for whom Saturday is already a nonworkday.

Federal employees are presently granted eight Federal holidays of which six, which are enumerated in the bills, may at some time fall on Saturday. It is to be assumed that it was the intent of Congress that the employees would receive the benefit of the holiday as a day off from their regular duties. But in addition to that assumption, there is the historical fact that when Federal workers were granted these holidays they were as a group receiving more annual leave than is presently available. The possibility of a 3-day holiday weekend means a great deal to the newly recruited employee during his first 3 years of service when annual leave amounts only to 13 days a year.

Objection to these bills has been indicated on the ground that they will be costly. The assumption is of course that the occurrence of a Federal holiday on Saturday is rather frequent. The fact is that such is not the case.

This statement is based on our analysis of a 40-year period from 1940 through 1979. This period included 20 years past and 20 years yet to come. During the entire 40-year period, no Federal holiday has fallen or will fall on a Saturday in 14 of the 40 years. In 9 years past and 10 years to come a holiday will fall on Saturday but once in the year—or in 19 of the 40 years. It will occur twice a year during 6 years and during 1 year—1964—will occur three times. But that will happen in but 1 of the 40 years.

The occurrence of the holiday on a Saturday is summarized for the 40-year period as follows:

Number of times within 1 year	Number of—	
	Years	Holidays
None	14	0
Once	19	19
Twice	6	12
3 times	1	3
Total	40	34

This tabulation shows, therefore, that the Saturday holiday cannot occur more often than 34 times within 40 years. This is about $4\frac{1}{4}$ days within a 5-year period.

To this extent it is clear that the compensating day would average about 7 hours a year. Even this would be offset to some extent by the fact that it is common practice for employees to dovetail into the following workdays that which would be left undone because of a holiday. Thus placing a dollar hour-for-hour value on a nonworkday is completely unrealistic for a large proportion of Federal jobs.

We are indeed appreciative, Mr. Chairman, for affording us the opportunity to present our views for the consideration of your committee.

Mr. McCART. First, we would like to express our very heartfelt thanks to you, Mr. Chairman, and to Mr. Rees and to Mr. Lesinski and other members of the committee who have offered legislation on this subject.

It has been a matter of some concern to our organization for a good many years.

During the past 8 or 10 years, our conventions have taken cognizance of the problem of Saturday holidays and they have repeatedly passed resolutions advocating legislation to provide holiday benefits when the holiday occurs on Saturday.

Now mention has been made here, and I am sure it has been made yesterday, Mr. Chairman, of the practice in private industry. Allusions have been made to the occurrence of the Saturday holiday provision in bargaining contracts.

I would like to refer to a report which was prepared recently as a result of a survey in the city of Chicago. This report was prepared by the Chicago Association of Commerce and Industry.

It indicated that 62 percent of the office and plant workers employed by the 1,181 firms surveyed would receive Friday or some other day as a holiday to compensate for Memorial Day and Independence Day, which this year fall on Saturday.

This survey covered 478,000 employees.

As a matter of equity, Mr. Chairman, since the statute now on the books requires the observance of a holiday that falls on a Sunday on another day, certainly it seems equitable that similar provision be made for holidays that occur on Saturday.

I am sure that the representatives of the executive branch are quite conscious of the cost factor, but the fact is that there is not going to be excessive cost if this legislation is approved.

For the most part, the work which would normally be performed on the Friday preceding the holiday or the Monday succeeding the holiday will be performed in any event, and I say that from the standpoint of the individual employee. The work that is not done on Friday has to be done on some other day. The cost will occur primarily in those who work around the clock,—7-day-a-week operations.

Now I am not fully familiar with the operations of the Post Office Department, Mr. Chairman, but I am familiar with the operations of some of the other agencies which require a work force on duty at all times such as our veterans hospitals and the correctional institutions and maintenance operations in the industrial plants.

This has been a recurring problem for us year after year in the administration of the holiday provisions under present law and I might say that refers to Sundays in these particular categories, but the enactment of this legislation would eliminate this constantly recurring problem of holiday benefits for employees who are required to work on an around-the-clock basis.

Mr. JOHANSEN. May I interrupt there for the purpose of clarification. You speak of the present recurring problem and did I understand you to say that related to Sunday holidays?

Mr. McCART. No, sir; included Sunday.

Mr. JOHANSEN. What I was getting at was, what the problem was that you were referring to that involved the Sunday holiday, the holidays falling on Sunday, since there is a provision for those holidays to be celebrated on Monday. I wanted to understand the point that you are making.

Mr. McCART. I will be glad to clarify it. Perhaps I can do it better by stating a specific illustration, as you did in your earlier comments.

Take the situation of a correctional officer in one of our penal institutions. He has Wednesday and Thursday as his days off during a particular week. A holiday falls on Thursday of that week. That Thursday is considered to be his Sunday under administrative regulation and he therefore gets an additional day off or an additional day's pay if he works on that holiday.

If the employee's days off, again, are Wednesday and Thursday, and the holiday occurs on a Wednesday, which is considered to be his Saturday, he receives no benefit.

Now I suppose that sounds pretty equitable, but the problem is twofold: In the first place, the employee simply cannot understand the complex regulations that have been issued on this point and, secondly, it takes a cycle of about 5 or 6 years for these employees who are assigned to these around-the-clock operations to secure the same benefits that the other employees receive who are regular 40-hour Monday through Friday workweek employees.

Now my reason for suggesting, Mr. Chairman, that this legislation would eliminate this confusion and dissatisfaction on this score is that if the Saturday holiday were celebrated on another day, then there would not be any confusion whether this man's day off is his day off for Saturday or Sunday or whether it is the first day off during the week or the second day off during the week.

All of the Federal employees, the regular agencies, would receive the same benefits for the same holidays.

Mr. JOHANSEN. Do I understand you correctly in the illustration you used to say that if a legal, paid holiday fell on Wednesday, that the employee would get no benefit?

Mr. McCART. If the agency regulations indicate that his Wednesday off is in lieu of Saturday; yes. In other words, that Wednesday is considered to be his Saturday.

Mr. JOHANSEN. Is that Wednesday that he works—is that Wednesday a day that he works or a day that he was to be off?

Mr. McCART. That normally would be his day off.

Mr. JOHANSEN. I understand now. I see the point.

Mr. McCART. Yes. If he happens to work on that day, he does not get any benefit, he does not get the holiday benefit in any event, but if it occurs on his Sunday we would have this other situation.

Mr. JOHANSEN. You mean if he works on a Wednesday he gets no benefits?

Mr. McCART. No. Remember, Mr. Johansen, this is a Saturday holiday.

Mr. JOHANSEN. Is that not in effect saying that the administrative regulations negative the intent of existing law?

Mr. McCART. Mr. Chairman, I would not want to question the motive or the intentions of the executive agencies.

Mr. JOHANSEN. Well I would be glad to do that.

Mr. McCART. But the problem is this: In an effort to provide equitable holiday benefits for all of these employees involved, the situation has become so confusing that the employees cannot understand what they are entitled to and not entitled to and they have the situation of this cycle I mentioned to you where it takes them years to receive the benefits that the other employees receive for the Sunday holidays.

Mr. JOHANSEN. Is there nothing in the statutes now which provides for this type of premium payment for a holiday falling on a day other than Saturday or Sunday?

Mr. McCART. Yes, sir. There is legislative language which states that when people work on holidays they receive premium pay.

Mr. JOHANSEN. Well then, how can the administrative agency negative that statutory provision, which is what I understood you to be testifying, which is the reason for my confusion.

Mr. McCART. I can understand, and I think this is the problem that the employees face, the very problem that the employees face.

The question here is not with the payment for work performed on the holiday. The question here is the determination of which day is the holiday in the case of those employees who work these unusual workweeks.

Mr. JOHANSEN. The Fourth of July is on Wednesday, but Wednesday is the holiday, is it not?

Mr. McCART. That is correct.

Mr. JOHANSEN. By statute?

Mr. McCART. That is correct.

Mr. JOHANSEN. And, therefore, the benefits inuring to that holiday which you say were written into the statute, do they then follow that they automatically come to the employee who does work on Wednesday?

Mr. McCART. The holiday, Fourth of July, occurs on a Wednesday. If the employee's day off falls on a Wednesday, and that happens to be his day in lieu of Saturday, then he does not get any benefit.

Mr. JOHANSEN. But if it is his day in lieu of Sunday, what is the situation?

Mr. McCART. Then it would be considered that the holiday fell on his Sunday and he gets the benefit.

Mr. JOHANSEN. And if he works on that day, regardless of what day that is supposed to be, he does get it?

Mr. McCART. Yes, that is right, Mr. Johansen.

The CHAIRMAN. Are there any other questions?

Mr. LESINSKI. Mr. Chairman, I have a question.

In other words, the problem we are talking about is not the matter of holidays but it is because it falls on Saturday that there is this so-called problem.

Mr. McCART. That is the point and if this legislation were enacted it would do much to eliminate this problem in the agencies other than the Post Office Department, about which I do not have sufficient knowledge.

Mr. LESINSKI. Supposing we disregard this specific case we are considering now and manage to put through a bill that all holidays falling on a Saturday automatically should be celebrated on a weekday like a Monday, or something like that, the problem would be solved, would it not?

Mr. McCART. Yes, either way. That is the actual intent of this legislation, Mr. Lesinski.

Mr. LESINSKI. Thank you.

The CHAIRMAN. Thank you very much, Mr. McCart.

Our next witness is Mr. Joseph Thomas, president, United National Association of Post Office Craftsmen.

STATEMENT OF JOSEPH F. THOMAS, PRESIDENT, UNITED NATIONAL ASSOCIATION OF POST OFFICE CRAFTSMEN

Mr. THOMAS. Mr. Chairman and members of the committee, my name is Joseph F. Thomas. I am president and legislative representative of the United National Association of Post Office Craftsmen, with offices in the Colorado Building, Washington, D.C.

With reference to the bills which you are considering today, I wholeheartedly approve H.R. 5752, introduced by the distinguished chairman of this committee. More and more businesses and indus-

tries are moving in the direction of allowing extra holidays for employees if and when regularly scheduled national holidays happen to fall on Saturdays.

As you gentlemen know, employees are granted a day off whenever a holiday falls on a Sunday and it seems only logical that the same procedure should apply when such holidays occur on Saturdays, thus depriving employees of holidays some years.

Actually the passage of H.R. 5752 would offer a morale boost to Federal employees and would result in a more satisfied workforce. Its approval would also install the Government as a leader in employee advancement and would pave the way for similar gains in outside industry.

With such holidays occurring only infrequently, the bill would not be a costly one and would not place a real financial burden on the Government.

In connection with the testimony of yesterday, if I may, Mr. Chairman, I believe that the impression may have been received by members of the committee that the justification for allowing some 60,000 postal employees a holiday when a holiday does occur on Saturday would be that that 60,000 employees represents the only group of postal employees who work on Saturday.

Such is certainly not the case. I am quite certain that most letter carriers in this country, and at least 80 percent of the clerical force in the post office, work many—and some of them work all—Saturdays during the course of the year. Their workweek is actually Monday to Friday; however, that does not prohibit them in any way from working Saturdays and I certainly think these employees should be granted the same rights as the other 60,000 employees mentioned in the Department's testimony.

Now as far as the cost of the bill is concerned, in the 7 or 8 years that I have been in Washington, I think that most of the bills that I have heard testimony on have received conservative estimates, that is, conservative in favor of the Budget Bureau and the agency estimating the cost of the bill.

I believe, as in the case of the Federal employees life insurance bill, it generally works out that the actual cost of the bill is considerably less than the estimate. My own personal estimate on this bill, after doing some figuring on it, is it would cost in the neighborhood of \$4 million per year over a 4-year span, and that is really a small figure in comparison to the good that the bill would do.

I think, also, although I admit I have no data on this, but I think when the Congress said the employee should receive a holiday whenever a holiday occurs, rather a Monday holiday whenever a holiday occurred on Sunday, I believe at that time we were working a 48-hour week and I think there was no necessity at that time of saying that employees should be given a day off when a holiday occurred on Saturday, for the simple reason that Saturday was a workday and when such holidays did occur, an employee automatically received Saturday off and was being, in effect, paid for that day.

Now I hope that you will take these things into consideration and I am quite certain that the committee will make a thorough study of this. I do hope you will come out with a bill similar to the one endorsed, or at least introduced by the chairman.

The CHAIRMAN. Thank you.

Are there any further questions from the members of the committee?
If not, we thank you.

Next the committee will hear from Mr. Dan Jaspan, legislative representative, National Association of Postal Supervisors.

**STATEMENT OF DAN JASPAN, LEGISLATIVE REPRESENTATIVE,
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

Mr. JASPAN. Mr. Chairman and members of the committee. First, I want to thank you, Mr. Chairman, and the other members of the committee, as well as Members of the Congress who have submitted bills on this subject.

In order to expedite the hearings, I notice that time is getting short and it will not be long until the first holiday will occur which can be identified and affected by this bill, and with your permission, Mr. Chairman, I would just like to submit this statement which I have handed in and have that appear in the record.

The CHAIRMAN. The statement will be inserted in the record at this point.

(The statement referred to follows:)

**PREPARED STATEMENT OF DANIEL JASPAN, LEGISLATIVE REPRESENTATIVE,
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

Mr. Chairman and members of the committee, my name is Daniel Jaspan. I am the legislative representative of the National Association of Postal Supervisors, whose membership consists of more than 22,000 supervisors in the postal field service.

Our members appreciate the actions of Chairman Murray, Representative Rees and other Members of Congress who have introduced bills providing for the observance the preceding Friday of holidays occurring on Saturdays. Unlike most Federal employees and employees in private industry, postal employees in general do not have a 5-day week although they are scheduled for 40 hours. A very large percentage of our people, including supervisors, are scheduled to report on Saturdays and Sundays and receive compensatory time for so doing.

When a holiday occurs on Sundays, it is observed on Mondays not only in the the postal service, but by private industry. Postal employees are thus given the opportunity of observing the holidays on Mondays. However, when a holiday occurs on Saturdays, the employees who are not scheduled to work that day are granted time off not primarily because it is a holiday, but because it is a Saturday. We believe that, inasmuch as postal employees very often must work on 6 or even 7 days on some weeks, they should not be denied holiday privileges. There are eight holidays provided by law. When any of these holidays occur on a Saturday it deprives the postal employees of this provision of the law, and that will happen twice this year unless this bill is enacted into law. During this year, postal employees will, under present provisions, not receive the benefits to which they are entitled. Although this will not happen often, we agree with the provisions of H.R. 5752 so that it will not occur at all in the future.

Inasmuch as two holidays occur on Saturdays during 1959, we hope that H.R. 5752 will be reported favorably by this committee and that members of the Committee on Post Office and Civil Service will lend their full support toward an early enactment into law of this bill.

Thank you for granting the opportunity to speak in favor of this proposed legislation.

The CHAIRMAN. Are there any other questions of the witness?

If not, we thank you.

Next we will hear from Mr. E. C. Hallbeck, legislative representative, National Federation of Post Office Clerks.

STATEMENT OF E. C. HALLBECK, LEGISLATIVE REPRESENTATIVE,

NATIONAL FEDERATION OF POST OFFICE CLERKS

Mr. HALLBECK. Mr. Chairman and members of the committee, there has been so much already said on this legislation that I hesitate to take up very much more of the time of the committee with this subject and, with the permission of the chairman of the committee, I would like to file a statement for the record and then comment briefly on some of the testimony already given.

The CHAIRMAN. Your statement will be inserted in the record at this point.

(The statement referred to follows:)

PREPARED STATEMENT OF E. C. HALLBECK, LEGISLATIVE DIRECTOR, NATIONAL

FEDERATION OF POST OFFICE CLERKS

Mr. Chairman and members of the committee, for the purpose of the record my name is E. C. Hallbeck and I am legislative director of the National Federation of Post Office Clerks.

I want to apologize to the committee, Mr. Chairman, for the fact that I do not have sufficient extra copies of this short statement due to the fact that our organization has just moved into new headquarters in its own building, and we are in the process of trying to get organized and right at the moment are unable to make mimeographed copies. I want to assure you and the members of the committee that we will be far better prepared for all future hearings.

Mr. Chairman, I also want to take this opportunity to thank you and Mr. Rees for introducing companion bills dealing with holidays that fall on Saturdays. While the problem is perhaps not of earth-shaking consequence, it is of some importance and worthy of consideration. Strangely enough, the importance varies from year to year, depending upon the number of holidays that an employee is compelled to lose due to the fact that these holidays fall on a nonwork day.

Under present law, employees lose six holidays in every 7 regular years and six holidays in every 7 leap years. The number of days lost varies from 1 to 3 days depending on the day that the year begins. In years that begin on Monday or Tuesday, the employees never lose a holiday regardless of whether or not the year is a regular year or a leap year. In years that begin on other days, the employees will lose days, the maximum being 3 days when a leap year begins on a Wednesday.

The following table illustrates the losses as they occur:

Holidays falling on Saturday			
When year begins on—		When leap year begins on—	
Monday	None	Monday	None
Tuesday	None	Tuesday	None
Wednesday	1	Wednesday	3
Thursday	2	Thursday	1
Friday	1	Friday	None
Saturday	1	Saturday	2
Sunday	1	Sunday	None
Total	6	Total	6

I think the bill H.R. 5752 will correct this situation. While I am not at all sure that all departments of the Government will invariably close up shop on each Friday preceding a holiday that falls on a Saturday, the employees that I represent who are required to work on such holiday would then be entitled to compensatory time within the next 30 days for such a holiday. I believe this is entirely equitable and just and I hope that this committee will act promptly to correct this situation since in the current year employees will lose the benefit of two holidays if legislation is not promptly enacted.

I want to express my thanks to the chairman and the members of the committee for this opportunity of presenting our views.

Mr. HALLBECK. Mr. Chairman, yesterday the Assistant Postmaster General of the Bureau of Personnel, Mr. Lyons, testified in opposition to this legislation and it was apparent, I think, that his principal objection was based on the alleged cost of this legislation.

Frankly, I think that estimate of cost was very grossly inflated. I think the best way I can demonstrate that is to give you an example.

We will take a normal week in which no holiday occurs. A considerable percentage of the postal personnel, clerks and carriers and all other employees work on that Saturday. They are given compensatory time in the following work in an amount equal to the time worked on the Saturday.

Now, when a holiday falls on a Saturday, under the present situation, the post office does not open on that Saturday. There is a greatly reduced number of employees working on that Saturday and consequently the Department is not forced to pay for compensatory time during the following week.

Therefore, when a holiday falls on a Saturday it represents a savings to the Department at the present time. I think the present system is penny pinching, but it is a savings. If this legislation were enacted, the condition would be almost identical with the normal workweek because of the Saturday being a holiday the Friday would be the holiday, the employee would work just like he would on a Saturday and he would be given compensatory time off either in the following week or anytime within 30 days.

The actual expenditure would not be increased beyond a fractional proportion. So the idea that this legislation is going to cost any money is a mistake. It may and probably will result in canceling some savings that are made now as a result of a fortuitous concurrence of circumstances when a holiday falls on a Saturday. And I think it is ridiculous to say there is a cost of \$6 million involved in each holiday that falls on a Saturday as a result of this legislation. I do not believe it is anywhere even remotely close to that figure.

In the postal service, as I say, it would be entirely compensatory and that compensatory time will be used in a normal workweek.

In the case where compensatory time will be used for Friday rather than for Saturday, you would have the normal condition obtaining throughout the year.

The CHAIRMAN. How much would it cost if this course were followed?

Mr. HALLBECK. I do not believe the total cost to the Federal Government would be as high as \$1 million additional, because it stands to reason that you would work exactly the same number of hours you worked in any other week. You would just have your holiday on Friday rather than Saturday and they would not close the post offices. They would not close them and you and I know it. They would give them compensatory time for that service on the following week and it would eliminate possible savings or penny pinching, but it would not cost any additional money and would not require, in my judgment, any further action by the Appropriations Committees of the Congress.

Now some of the questions that have been asked have dealt with conditions in private industry. One of them I was very much interested in. Mr. Johansen brought it up. I happen to have some knowledge of that.

I know that there is—I will not call it a trend, it is not that well defined—but there are instances where leave, holiday leave, or a day off is granted for birthdays as a result of contracts.

I am sure Mr. Johansen knows, coming from the State of Michigan, that there are also holidays granted for the opening of the fishing season and the hunting season under some contracts. I know that deer hunters generally, if they cannot find any other way, will take a day off and they have been very active in trying to write such agreements into contracts wherever deer hunting is possible.

Mr. JOHANSEN. Back in some parts of Michigan they have to travel so far to find the deer that they have to take their annual vacation.

Mr. HALLBECK. Mr. Chairman, this holiday business in deer hunting season or vacations is something far in the future. Certainly I would not foreclose the possibility at some remote date that the Federal employees might be seeking such a holiday. I am confident of that with the advance of technology.

The CHAIRMAN. You mean by that, the deer hunting, rabbit hunting, and so forth?

Mr. HALLBECK. Seriously, it is not in the foreseeable future. I think it is quite likely they might be looking for a shorter workweek.

However, the problem, as it is treated in industry, is a gradual recognition of the fact that the employee is entitled to the holiday. Most unions now that have negotiated agreements have negotiated several types of provisions on Saturday holidays. They either provide for the preceding Friday or the following Monday to be observed as a holiday, a substitute paid holiday is designated for another part of the year, or as a third alternative, an extra day's pay is provided for the Saturday holiday with no substitute day off. That is a trend in industry. It is a trend that comes out of collective bargaining agreements.

We, in the Federal service, do not have the advantage of such a collective-bargaining agreement, but we do have the advantage of what might be called a contract written by the Congress of the United States with the employees. It specifies eight holidays.

The Civil Service Commission, in its announcements describing the attractiveness of Federal employment, stresses the fact that there are eight holidays and in many years there are nine.

Actually, a holiday will fall on a Saturday six times in every 7 normal years. It will fall six times in every 7 leap years.

Now I think you will find that that will be the ratio. It all depends on where you start from. But I think the overall ratio is six times in 7 years that employees will lose a holiday as a result of the present decisions.

This legislation would correct that and we hope for its enactment.

Mr. JOHANSEN. May I ask a question at this point?

The CHAIRMAN. Yes.

Mr. JOHANSEN. Mr. Hallbeck well knows that I have a great respect for him and his judgment, even though I do not always agree with him. I would like your comments on this because I am very frankly seeking clarification of this point in my own mind with respect to paragraph 2 of section 1 of the bill.

I want to get clear in my mind whether the thing we are talking about in this legislation is solely the question of when a legal holiday

falls on Saturday, a true calendar Saturday, or whether we are talking about a problem which occurs for every holiday every year, regardless of the calendar day of the week in which it falls, for any employee whose day off coincides with that holiday? Can you enlighten me on that?

Mr. HALLBECK. With respect to the vast majority of postal employees, of course it only occurs on the Saturday. With respect to other employees, particularly under the Classification Act, and those in the Postal Transportation Service, it could happen; it could be covered by the second paragraph of section 1 on other holidays, on holidays that do not fall on a Saturday.

Mr. JOHANSEN. I realize that the gentleman testifying is from the postal service but I am trying to clarify a point. In other words, the problem will exist actually and potentially for every employee who is on an irregular workweek any time the holiday falls on 1 of his 2 days off?

Mr. HALLBECK. No, on 1 of his 2 days off that happens to be his Saturday. If it falls, as Mr. McCart gave you the example, on Wednesday, where he has Wednesday and Thursday off, Wednesday is his Saturday. That is where it will occur in his case.

Mr. JOHANSEN. Let me say to this witness that calendar reform always did confuse me and this seems to be a type of calendar reform that I am getting acquainted with. I am always willing to learn.

In other words, any employee who is on an irregular workweek, other than Monday through Friday, the first of his 2 days off is what?

Mr. HALLBECK. That is considered his Saturday by Executive order.

Mr. JOHANSEN. When you say "is considered," that is by administrative action?

Mr. HALLBECK. Executive order.

Mr. JOHANSEN. And his second day is designated as his Sunday?

Mr. HALLBECK. That is right.

Mr. JOHANSEN. If the holiday falls on his second day off, then his first day of work the next week is considered the Monday holiday?

Mr. HALLBECK. That is right. It is a rather involved process, but that is the way it works out.

Mr. JOHANSEN. So with respect to this then, we are not just talking about in terms of the overall legislation and the overall Government employee, just about the literal true calendar true Saturday, which is a legal holiday, but the administratively designated Saturday, which is a legal holiday?

Mr. HALLBECK. You might put it this way, Mr. Johansen. You are talking about the employees' Saturday rather than the calendar Saturday. You are talking about what is Saturday for the employee, in other words.

Mr. JOHANSEN. Of course, it is a shocking admission because a Member of Congress is never to admit that he does not know anything, but it is a shocking admission for me to make that this "other Saturday" is an innovation to me. I am behind the times.

Mr. HALLBECK. Well, I can tell you that you are not the only one that it is an innovation to. There are a lot of us in the Government service that do not understand it too well.

Mr. JOHANSEN. Let me ask you this again. Is it then, for purposes of clarification, this that you are asking for, that what this legislation apparently would provide is an absolute and flat blanket guarantee of

an extra day's pay for each holiday or a compensatory day off for each holiday, or what is the net result of this legislation in that respect?

Mr. HALLBECK. The net result would be to make sure that the employee got the value of eight holidays in every year regardless of what day, what calendar day they might happen to fall on.

Mr. JOHANSEN. Now what is that value? Is that a discretionary thing with the employee, or with the employer?

Mr. HALLBECK. No, It is set by law. In some cases the value is in money and in some cases in compensatory time, a day off.

Mr. JOHANSEN. If it is in terms of money, it is 1 extra day's pay?

Mr. HALLBECK. Actually, no. It would not work out to an extra day's pay because it would work out to his normal year. He would get the same for a year. He would get the same amount for a year in which no holidays fall on a Saturday as he would for a year in which a holiday fell on a Saturday.

Mr. JOHANSEN. Stating it otherwise, he would not lose 1 day.

Mr. HALLBECK. That is right. He stays even. That is all it does is keep him even. That is all the legislation does with regard to those who get compensatory time for service on Saturday. It keeps them even, otherwise they lose. There is no gain.

Mr. JOHANSEN. Thank you.

The CHAIRMAN. Thank you very much.

Mr. REES would like to make a comment.

Mr. REES. We appreciate your presence, Mr. Hallbeck, because you are always a very alert representative for your people and you have a keen understanding of these problems.

Mr. HALLBECK. Thank you, Mr. Rees, and members of the committee, and we thank you for introducing this legislation.

The CHAIRMAN. Now our last witness is Mr. Jerome Keating, vice president, National Association of Letter Carriers.

STATEMENT OF JEROME KEATING, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. KEATING. Mr. Chairman and members of the committee, I am happy to have this opportunity to appear here and in order to save time I will highlight my statement because I know you want to go into executive session.

The CHAIRMAN. Your statement will be inserted in the record at this point.

(The statement referred to follows:)

STATEMENT OF JEROME J. KEATING, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. CHAIRMAN. My name is Jerome J. Keating, I am vice president of the National Association of Letter Carriers, an organization representing 113,000 letter carriers.

We have members in each of the 50 States as well as in the District of Columbia and Puerto Rico.

I am appearing here today in support of H.R. 5752, a bill introduced by the distinguished chairman of this committee, Mr. Murray. There have been a number of other bills on the same subject, all carrying essentially the same provisions: H.R. 207, by Mr. Morrison, of Louisiana; H.R. 4363 by Mr. Foley, of Maryland; H.R. 4455, by Mr. Broyhill, of Virginia; H.R. 4577 by Mr. Davis, of Georgia; H.R. 5756 by Mr. Rees, of Kansas; H.R. 5899 by Mr. Flynn, of Wisconsin, and H.R. 6370 by Mr. Lane, of Massachusetts.

I want to extend the hearty thanks of the members of our association to the members of this body who have sponsored this timely legislation.

These bills provide that when a holiday falls on Saturday it shall be celebrated on the previous Friday. Under present law, the Government employees have the benefit of eight legal holidays. Two of these holidays, Labor Day and Thanksgiving, never fall on Saturday, so this legislation can actually apply to six holidays. Each holiday would fall on Saturday only once every 7 years. So in a period covering 7 years there could only be six occasions where this legislation would apply.

In the postal service when an employee is required to work on a holiday, he is given a day off within 30 days. In 1,465 paid holiday agreements surveyed by the AFL-CIO research staff, we found that when an employee worked on a holiday he was reimbursed as follows:

	<i>Percent</i>
Time and one-half.....	4
Double time.....	38
Double time and one-fourth.....	7
Double time and one-half.....	28
Triple time.....	18
Other.....	6

The "Other" does not mean no extra pay. The rate varies by holiday location or occupation and could not be easily classified.

The postal employee does not receive this good treatment. The charge is frequently made that we have more holidays in Government. At one time there was some basis of fact in that statement; it is becoming less so all the time. In 45 percent of agreements analyzed in the above study, the employees had seven paid holidays, in 18 percent of the cases they had eight paid holidays, in 9 percent of the cases, nine or more paid holidays were provided for.

In the majority of contracts now being written, the negotiators decide and agree on the number of holidays and then include language that will assure and protect the holiday in one way or another. That is all that we actually seek in this legislation. If this legislation is not passed early this year, we will only have six holidays, inasmuch as both Memorial Day and the Fourth of July fall on Saturday.

At this point I would like to insert a quote from page 23 from the hearings on postal pay and classification before this committee on February 1, 1955. The witness testifying at the time was Eugene J. Lyons, Assistant Postmaster General. In explaining the legislation then before the committee that subsequently became Public Law 68, Mr. Lyons stated:

"Subsection (b) of section 401 prescribes the formula for computing the basic salary of hourly rate employees. You will notice that other than substitute employees, you compute the hourly rate salary by dividing the annual salary by 2,080, which is simply 40 hours times 52 weeks. The substitute employees' salary is computed by dividing by 2,016. The reason for that is that some years ago the Congress decided that in the case of substitutes, rather than grant them holiday pay, because of the great difficulty of administering holiday pay for an hourly employee who was working part time, they would add a little bit to their regular hourly rate to compensate for not getting holiday pay. In other words, the hourly rate results in a substitute employee who works 40 hours a week for 52 weeks being compensated for the regular 8 holidays, and the 2,016 is arrived at by simply subtracting 64 hours, 8 times 8, from the 2,080, which automatically gives the substitute a pro rata holiday pay.

"Mr. DAVIS. May I ask a question, Mr. Chairman?

"Have any precautions been taken to see to it that the substitute who gets this increased hourly pay throughout the year will also be the one who performs this duty on the holidays for which the increased hourly rate is granted?

"Mr. LYONS. The increased hourly rate was granted, sir, to provide them with pay for not working on holidays. You see, the regulars, by law and by Executive order, have eight holidays a year on which they do not work, and they get paid nevertheless for those holidays. That was to give the substitute the same sort of treatment."

This year in accordance with the pay gimmick designed by Mr. Lyons and the Post Office Department, a regular letter carrier will be required to work 16 hours more to earn the same pay as a substitute letter carrier.

I did not have the opportunity of hearing Mr. Lyons testify yesterday, I did however have the opportunity of reading his statement. Mr. Lyons is Assistant

Postmaster General in charge of personnel. He is a fine capable executive. He does his homework, the testimony he presents is always well and carefully prepared. However, he is in personnel and not in operations. I think that will explain some of the objections he presents. The four principal reasons he presented for opposing the legislation were:

1. The public would strongly protest to the Congress and the Department any curtailment of service on a normal weekday not a holiday for persons outside the Federal Government.

2. Employees required to work on the day declared a holiday for Federal workers or in lieu thereof on a day celebrated as a holiday by the rest of the Nation would complain of unfair treatment.

3. The added cost to the Government in lost production and premium payments; in exchange for extremely limited benefits for Federal employees, could not be justified to the taxpayers at this time.

4. The long-accepted principle of pay for holidays not worked to prevent a reduction in normal wages would be abridged.

With reference to the first two objections, if you would ask any of the people in the Bureau of Operations, a regional director or a postmaster, what would happen under this law, you would receive the following explanation: In the letter carrier service for each five residential routes, there is an additional carrier assigned usually referred to as a "utility man." The post office has service 6 days a week, although each carrier works only 5 days per week. Actually five-sixths of the carrier force works every day. The men who work on Saturday have a day off the following week. This year the Fourth of July falls on Saturday, obviously under no circumstances will there be a delivery on that day. When a holiday does fall on a Saturday, there is no compensatory time due the following week, so on the first 5 days, six-sixths of the letter carriers are available to do the work that five-sixths normally do. This is always a great administrative problem. Of necessity there is wasted manpower during that week unless the supervisors can convince a number of employees to take some vacation, and that is exactly what they try to do.

What will happen under the proposed law? Obviously there will be no delivery on Saturday, because the public will not be expecting it. Regular service will be had on Friday, the carriers can have their compensatory time the following week, merely by having the normal five-sixths of the force work. I think that this explanation pretty well takes care of the first two objections. I think that this also answers the objection relative to lost production, the premium payments in objection No. 3 are extremely rare. Premium pay is received only for Christmas.

The fourth objection by Mr. Lyons is pretty well answered in his own statement wherein he refers to the fact that holidays falling on Sunday are observed on the following Monday. The description of the hourly pay differential between regulars and substitutes pretty well takes care of the justification of this legislation. In his testimony, Mr. Lyons referred to the dissatisfaction on the part of the employees that this legislation would cause. I want to discuss the dissatisfaction that this legislation would cure. When postal employees lose their holidays by the fact that the holiday falls on Saturday, they are indeed most unhappy. Particularly because their hourly rate of pay is reduced because of these holidays. I have traveled considerably this year, I have talked with thousands of postal employees; without exception they have favored this legislation.

One more point I would like to discuss: In line with the "oft" made statement that agencies have high cost figures when they oppose, and low cost figures when they support, the cost figures quoted in this legislation have been extremely high.

Mr. Lyons in his statement made the following observation:

"The added cost to the Post Office Department alone is conservatively estimated to be \$3,900,000 for each of the two Saturday holidays in 1959."

I would say that this is charging all the traffic will bear and a little bit more.

There are approximately 538,416 employees in the postal service. There are 145,817 substitutes who will not come under this law. The only way they would benefit would be through the realization of Mr. Lyons' worst fears by getting additional work. There are 36,308 postmasters, and 31,465 rural carriers. The rural carriers are exempt and I have never heard of replacement charges for postmasters. That leaves us with 324,826 employees; 1,000 of these are post office inspectors, 24,792 are supervisors and 5,000 work in the regional offices. This leaves us with 294,034 where you will find most of the costs that may exist. Thirteen dollars per day for 300,000 employees would produce \$3,900,000. A substantial number of the 294,034 described above are part-time workers. The situation involved through the use of utility men will cut the figure considerably

below that estimated by the Department. I would guess that this legislation would not cost the Post Office Department more than \$2 million. What the cost for other Departments are, I would have no way of making an estimate.

We think that H.R. 5752 by Congressman Murray and the companion bills by other members of the committee are fair and just as well as relatively inexpensive. We in the National Association of Letter Carriers feel that they will remedy an existing injustice. I sincerely hope that the committee will take early and favorable action.

Mr. KEATING. We are very grateful to the members of this committee who have shown a deep interest in this subject by the introduction of these bills, one by the chairman, one by Mr. Rees, and Mr. Lesinski, Mr. Broyhill, Mr. Foley, and Mr. Morrison and all of the other members who have introduced bills on this subject.

In the postal service it has been clearly brought out we have eight holidays. There are six not on a fixed day. The two on fixed days are eliminated, so this legislation actually concerns only six holidays.

In private industry some few firms pay up to triple time for holidays. Some negotiated agreements have nine or more holidays. In a survey that was taken, 9 percent of the firms had nine or more holidays, and eight holidays is prevalent in most agreements.

Referring now to a quotation from the pay hearings on Public Law 68, February 1, 1955, Eugene J. Lyons, Assistant Postmaster General, was testifying, and in explaining the situation he pointed out this fact, and I quote:

Subsection (b) of section 401 prescribes the formula for computing the basic salary of hourly rate employees. You will notice that other than substitute employees, you compute the hourly rate salary by dividing the annual salary by 2,080, which is simply 40 hours times 52 weeks. The substitute employees' salary is computed by dividing by 2,016. The reason for that is that some years ago the Congress decided that in the case of substitutes, rather than grant them holiday pay—

and it goes on to say that rather than grant substitutes holiday time they would get a larger hourly rate.

That is the substance of his statement.

This year, in accordance with this gimmick, and it does not go back beyond Public Law 68, but in accordance with that formula that was in Public Law 68, the regular employee, in the same step and level of pay, will work 16 hours more per year than the substitute for the same pay.

This can be brought home a little bit more clearly when you point out that the hourly rate of pay for a regular in the step 1, level 4, is \$1.94 and the hourly rate of pay for the substitute is \$2. That represents a guarantee of eight holidays for substitutes.

This bill would represent a guarantee of eight holidays for regulars. Actually we have complaints now from substitutes, in that they complain that their pay is cut because they actually get 6 cents an hour less when they become a regular employee.

So, in effect, the Congress has guaranteed the holiday to substitutes but not to regulars.

I did not have the opportunity of hearing Mr. Lyons make his statement yesterday. The Assistant Postmaster General in charge of personnel is a fine, capable executive. He does his homework. His testimony is always well prepared, carefully prepared, but he is in personnel, not in operations.

If you ask any official in the Bureau of Operations, if you ask the regional director or if you ask the postmaster what would happen

under this law when a holiday fell on Saturday, I think he would point out there would be service on Friday, and the holiday would be celebrated on Saturday and there would be compensatory time.

In the postal service each carrier works 5 days a week, but we have a 6-day week. Actually, five-sixths of the letter carriers work every day. Men who work on Saturday have a day off the following week.

This year July 4 falls on Saturday. Obviously, the carriers are not going to deliver mail. That is one of the objections that was made to this bill, delivery on the Fourth of July. The people do not want mail on the Fourth of July. There will certainly be no delivery, but there will be a delivery on Friday. So the men will receive compensatory time the following week.

One of the problems that the Post Office Department has met, and I think administratively they should have recommended this legislation. In the carrier service when we have a holiday that falls on Saturday, the following week you have utility men that have no route to serve. There is no compensatory time, so the utility man has the problem of finding work and the foreman goes around and suggests to this man or that man, "Why do you not take a vacation so we can put Joe to work?" Some of the carriers do take vacations and some do not, and you have a surplus of manpower when a holiday does fall on a Saturday.

A substantial part of the savings in this bill will be reflected in the fact that with the utility men, the regular schedule can be carried out without a miss. It makes for good procedure in my opinion.

One more point I would like to discuss and that has to do with the question of cost. In line with the oft-made statement that agencies have high-cost figures when they oppose legislation and low-cost figures when they support it, the cost figures quoted in this legislation have been extremely high.

Mr. Lyons has observed it would cost \$3,900,000 for each of the two Saturday holidays in 1959. I would say that this is charging all that the traffic will bear and a little bit more.

There are approximately 538,416 employees in the postal service—145,817 are substitutes, and they will not come under this law, because they are already taken care of. The only way they would receive any benefit would be through the realization of Mr. Lyons' worst fears, and they would get additional work.

There are 36,308 postmaster and 31,465 rural carriers. The rural carriers are exempt, and I have never heard of replacement charges for postmasters. That leaves us with 324,826 employees; 1,000 of these are post office inspectors, 24,792 are supervisors, and 5,000 work in the regional offices.

This leaves us with 294,034 where you will find most of the costs that may exist; \$13 per day for 300,000 employees would produce \$3,900,000. A substantial number of the 294,034 described above are part-time workers.

The custodial employees, for example, in the smaller post offices and sometimes in small stations in the larger cities are part-time employees. They are what are referred to as hourly rate employees.

The situation previously described as to the use of the utility men will cut the figures considerably below those estimated by the Department. I would guess that this legislation would not cost the Post

Office Department, at the wildest guess, more than \$2 million on any holiday.

Mr. REES. Mr. Hallbeck estimated it would be a little more than \$1 million.

Mr. KEATING. Perhaps the correct answer might be between both estimates. It is something that is rather a little difficult to figure out until we actually have the experience, and my figure is liberal, I would say, rather than conservative.

What the cost would be for other departments I have no way of making an estimate. We think that the bill is fair and just and we hope it will be enacted into law. We appreciate the great interest members of the committee have shown in it.

I might remark, in a more or less facetious way, as far as I am concerned, I am against Mr. Johansen's suggestion of a holiday for birthdays because I have reached the point in life where I resent birthdays rather than anticipate them.

The CHAIRMAN. All right, thank you. Are there any questions? We thank you very much.

There will be inserted in the record at this point the statement of Mr. Richard D. Sebastian, president, Printing Pressmen's Union No. 1 of the International Printing Pressmen and Assistants' Union of North America and also the statement of Mr. Vaux Owen, president, National Federation of Federal Employees.

(The statements referred to follow:)

STATEMENT OF RICHARD D. SEBASTIAN, PRESIDENT, PRINTING PRESSMEN'S UNION NO. 1 OF THE INTERNATIONAL PRINTING PRESSMEN AND ASSISTANTS' UNION OF NORTH AMERICA

Mr. Chairman, members of the committee, I am Richard D. Sebastian, president of Washington Printing Pressmen's Union No. 1, a subordinate local union of the International Printing Pressmen and Assistants' Union of North America. I represent all union pressmen working for the Federal Government in the Washington metropolitan area.

The pressmen in my organization working in the Federal Government wish to commend you, Mr. Chairman, and the other members of the committee on your concerted efforts to introduce and qualify these bills, which we feel are vital to the U.S. Government as well as to the employee groups to maintain high-grade craftsmen in Government service.

I believe this a step in the right direction to adjust conditions in the Government which are substandard to private industry.

Contracts in private industry provide for a certain number of paid holidays regardless of what day they fall. I have read contracts that include in addition to national holidays, that each employee's birthday be a paid holiday.

Wages for union pressmen in Government service are governed by a weighted average of wage rates paid to pressmen in private industry in 25 major cities. In these 25 cities, 98.8 percent of all pressmen represented work less than 40 hours per week. Ten of these same cities have higher wage rates than the Government. Surely employees who conform to the high moral and civic standards required for employment in the Government service are entitled to working conditions equal to private industry.

To all Government employees who are shackled to the outdated 40-hour work week and other substandard conditions these bills to provide for observance on another day of a holiday which falls on Saturday is a necessity and certainly no luxury since it involves only 34 days in 40 years which is about $3\frac{1}{4}$ days within a 5-year period.

On behalf of the membership of Printing Pressmen's Union No. 1, I extend to you, Mr. Chairman, and members of this committee our appreciation of your indulgence in this statement.

STATEMENT OF VAUX OWEN, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman and members of the committee, I am Vaux Owen, president of the National Federation of Federal Employees.

I wish to express to the committee the strong support of the National Federation of Federal Employees for the legislation now under consideration.

We are both mindful and appreciative of the fact that this legislation has been introduced by the chairmen of both the House and the Senate Post Office and Civil Service Committees.

There is manifest justice in this legislation, which has been urged for adoption by successive national conventions of the National Federation of Federal Employees.

The practice of making provision for the observance of national holidays on other than nonworkdays appears to be quite a general one in business and industry, and the trend is growing. Moreover, Federal employees are granted eight of the national holidays each year by law. Yet, as in the year 1959, for example, both Memorial Day, May 30, and Independence Day, July 4, fall on a Saturday, which is a nonworkday for the overwhelming majority of Federal employees. This means that, despite the provisions of law, these employees will lose that holiday time.

It should be noted that the leave privileges of Federal employees have been persistently curtailed over the past years while the trend has been in the opposite and progressive direction in business and industry. This has created an increasingly serious morale problem and also has contributed to the Government's recruitment and retention difficulties in many categories of employment.

The proposed legislation represents a fair, reasonable, and constructive approach to one aspect of this problem. What it does is to protect Federal employees, who already have suffered loss of certain leave privileges, from a further whittling away of their leave in those years when any of the eight national legal holidays fall on a Saturday.

I should like to quote as follows the text of the resolution on this subject which was unanimously adopted by the national convention of the National Federation of Federal Employees held at Kansas City, Mo., in September of 1958:

"Whereas Federal employees are granted eight of the national holidays each year by public law; and

"Whereas when a national holiday falls on a Sunday, the following Monday is observed as a holiday; and

"Whereas when a national holiday falls on a Saturday the same provision should be made as now provided for a national holiday falling on a Sunday: Now, therefore, be it

Resolved, That the National Federation of Federal Employees sponsor and support the passage of legislation to correct this inequity by providing that when a national holiday falls on a Saturday it will be observed by Federal employees on the preceding Friday."

Mr. Chairman, the legislation now under consideration does provide, and we think with propriety and justice, for the correction of an inequity which has too long persisted. Enactment of this legislation unquestionably would have a salutary effect throughout the service far beyond any possible theoretical cost to the Government. We, therefore, strongly urge favorable action on the bill by this committee. We are hopeful that action in both Houses of Congress can be speeded so that the legislation can become effective in time for the Memorial Day and Independence Day observances this year.

We appreciate the opportunity of presenting the views of the National Federation of Federal Employees on this matter.

The CHAIRMAN. That concludes the hearing upon this legislation and the committee will now go into a brief executive session.

(Whereupon, at 11:30 a.m., Friday, April 17, 1959, the committee was adjourned.)

LEGISLATIVE HISTORY

Public Law 86-362

H. R. 5752

TABLE OF CONTENTS

Index and summary of H. R. 5752.....	1
Digest of Public Law 86-362.....	2

INDEX AND SUMMARY OF H. R. 5752

Mar.	17,	1959	Rep. Murray introduced H. R. 5752 which was referred to House Committee on Post Office and Civil Service. Print of bill as introduced.
			Rep. Rees of Kansas introduced H. R. 5756 which was referred to House Committee on Post Office and Civil Service. Print of bill as introduced.
May	12,	1959	The House committee ordered H. R. 5752 reported with amendment.
May	14,	1959	House committee reported H. R. 5752 with amendments. House Report 362. Print of bill and House report.
June	10,	1959	The Rules Committee reported a resolution for consideration of H. R. 5752. H. Res. 294 and House Report 527. Print of resolution and House Report.
June	30,	1959	H. R. 5752 was passed by the House as reported.
July	1,	1959	H. R. 5752 was referred to Senate Committee on Post Office and Civil Service. Print of bill as referred.
Aug.	25,	1959	Senate committee voted to report H. R. 5752.
Aug.	27,	1959	Senate committee reported H. R. 5752 without amendment. Senate Report 830. Print of bill and Senate report.
Sept.	9,	1959	Senate passed H. R. 5752 without amendment.
Sept.	22,	1959	Approved: Public Law 86-362.

Hearings:	House Post Office and Civil Service Committee Hearings on H. R. 5752.
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DIGEST OF PUBLIC LAW 86-362

OBSERVANCE OF HOLIDAYS OCCURRING ON SATURDAY. Provides legal public holidays for Federal employees as follows: if any legal public holiday occurs on a Saturday, the day immediately preceding the Saturday shall be a legal public holiday, in lieu of the holiday which occurs on Saturday; if any legal public holiday occurs on a regular weekly nonworkday of any employee whose basic workweek is other than Monday through Friday, the workday immediately preceding such regular weekly nonworkday shall be a legal public holiday for such employee, in lieu of the holiday which occurs on his nonworkday. These provisions become effective on July 1, 1959.

86TH CONGRESS
1ST SESSION

H. R. 5752

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1959

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of provisions of law relating to pay
4 and leave of absence of civilian officers and employees in
5 or under the Government of the United States, with respect
6 to New Year's Day (January 1), Washington's Birthday
7 (February 22), Memorial Day (May 30), Independence
8 Day (July 4), Veterans Day (November 11), Christmas
9 Day (December 25), or any other day declared to be a

1 holiday by Federal statute or Executive order, the following
2 rules shall apply:

3 (1) If any such day shall occur on a Saturday, the
4 day immediately preceding such Saturday shall be held
5 and considered to be a legal public holiday for such
6 officers and employees whose basic workweek is Mon-
7 day through Friday, in lieu of such day which so occurs
8 on such Saturday.

9 (2) If any such day shall occur on a regular weekly
10 nonworkday of any officer or employee whose basic
11 workweek is other than Monday through Friday (ex-
12 cept the regular weekly nonworkday administratively
13 scheduled for such officer or employee in lieu of Sunday)
14 the day immediately preceding such regular weekly
15 nonworkday shall be held and considered to be a legal
16 public holiday for such officer or employee in lieu of
17 such day which so occurs on such regular weekly non-
18 workday.

19 SEC. 2. This Act shall not apply to any officer or em-
20 ployee whose basic workweek is Monday through Saturday.

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

By Mr. MURRAY

MARCH 17, 1959

Referred to the Committee on Post Office and Civil Service

86TH CONGRESS
1ST SESSION

H. R. 5756

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1959

Mr. REES of Kansas introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of provisions of law relating to pay
4 and leave of absence of civilian officers and employees in or
5 under the Government of the United States, with respect to
6 New Year's Day (January 1), Washington's Birthday
7 (February 22), Memorial Day (May 30), Independence
8 Day (July 4), Veterans Day (November 11), Christmas
9 Day (December 25), or any other day declared to be a

1 holiday by Federal statute or Executive order, the following
2 rules shall apply :

3 (1) If any such day shall occur on a Saturday, the
4 day immediately preceding such Saturday shall be held
5 and considered to be a legal public holiday for such
6 officers and employees whose basic workweek is Monday
7 through Friday, in lieu of such day which so occurs on
8 such Saturday.

9 (2) If any such day shall occur on a regular weekly
10 nonworkday of any officer or employee whose basic
11 workweek is other than Monday through Friday (except
12 the regular weekly nonworkday administratively sched-
13 ule for such officer or employee in lieu of Sunday)
14 the day immediately preceding such regular weekly non-
15 workday shall be held and considered to be a legal public
16 holiday for such officer or employee in lieu of such day
17 which so occurs on such regular weekly nonworkday.

18 SEC. 2. This Act shall not apply to any officer or em-
19 ployee whose basic workweek is Monday through Sat-
20 urday.

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

By Mr. REES of Kansas

MARCH 17, 1959

Referred to the Committee on Post Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued May 13, 1959
For actions of May 12, 1959
86th-1st, No. 75

Accounting.....10		
Adjournment.....15		
Appropriations.....9,16,35		
Area assistance.....5		
Buildings.....16		
Census.....32		
Centennial celebration..25		
Civil defense.....6		
Civil service.....16		
Committee assignments....2		
Conservation.....19		
Contracts.....13		
Country life.....24		
Cotton.....1		
Credit unions.....23		
Eggs.....22		
Electrification.....30		
Employment.....5		
Farm prices.....3		
Farm program.....17,21		
Fisheries.....14		
Food-for-peace.....20		
Forestry.....4,7,18,26		
Holiday.....10		
Intergovernmental relations.....11		
National flower.....31		
Reclamation.....1		
Personnel...10,17,27,29,33		
Price supports.....21		
Procedures.....28		
Property.....12		
Purchasing.....16		
Research.....14		
Security.....27		
Surplus food.....20		
Transportation.....34		
Water resources.....2,14		
Wheat.....8,20		

HIGHLIGHTS: House passed measure deferring until June 1 proclamation of marketing quotas and acreage allotments for wheat. House appointed conferees on second supplemental appropriation bill. Both Houses received from President reorganization plan to transfer forest land exchange and sale authorities from Interior to USDA. House committee ordered reported bill to provide Friday off for holidays on Saturday. Sen. Cotton introduced and discussed bill to coordinate administration of Federal personnel loyalty and security programs.

SENATE

- 1. RECLAMATION.** Passed with amendments S. 44, to authorize Interior to construct the San Luis unit of the Central Valley reclamation project, Calif. pp. 7160-75
Agreed to an amendment by Sen. Douglas to limit to 160 acres the amount of land for which water from the project may be furnished to each land owner. pp. 7160-70
Rejected, 24 to 57, a motion by Sen. Williams, Del., to recommit the bill to the Interior and Insular Affairs Committee. pp. 7170-4
Sen. Williams, Del., contended that the project would increase the production of surplus commodities, particularly cotton, stating that he had been informed by this Department that the amendment by Sen. Russell to prohibit the production of basic commodities on land in the project "would apply to less than one-fourth of the acreage devoted to any of the basic crops." He stated that "the Department of Agriculture did not endorse this bill." Sen. Dirksen

replied that "This subject is under the jurisdiction of the Department of the Interior. I do not know that it is the function of the committee to ask the Secretary of Agriculture or the Department of Agriculture whether this kind of measure should be approved." pp. 7170-2

2. WATER RESOURCES. The Vice President appointed Sens. Martin, McGee, Moss, and Scott as additional members of the Select Senate Committee on National Water Resources. p. 7151
3. FARM PRICES. Sen. Javits inserted an Onondaga County, N. Y., Dairy Farmers of America resolution favoring legislation "to encourage an upward trend in farm prices." p. 7143
4. FORESTRY. Sen. Humphrey inserted an Itasca County, Minn., Board of Commissioners resolution urging Congress "to give favorable consideration to the program for national forests as outlined by the Secretary of Agriculture and take the appropriate action to implement the program." p. 7142
5. EMPLOYMENT. Sen. Bush inserted a statement by Secretary of Labor Mitchell, "Mitchell Predicts Era of Prosperity," expressing pleasure over the increase in employment and stating that "We must have adequate area assistance legislation." pp. 7152-3
Sens. Dirksen and Clark expressed satisfaction over the improvement in the employment situation. pp. 7154, 7176
6. CIVIL DEFENSE. Sen. Young, O., charged that "civil defense as it has been handled in the Nation and as it is presently being handled under the guise of Office of Civil Defense Mobilization is a wasteful, unnecessary, and enormously expensive bureaucracy." p. 7153

HOUSE

7. FORESTRY. Both Houses received from the President Reorganization Plan No. 1 of 1959, which transfers from Interior to Forest Service functions related to exchange of national forest land or timber for other lands in national forests, the sale of tracts of national forest land found necessary for the processing of timber from the Tongass National Forest, the sale of small tracts of acquired national forest land found chiefly valuable for agriculture, and the disposal of common varieties of sand, gravel, stone, pumice and other materials from lands reserved from the public domain under FS jurisdiction. To Government Operations Committee. (H. Doc. 140)
8. WHEAT. Passed without amendment S. J. Res. 94, requiring the Secretary to postpone until June 1 (instead of May 15) the proclamation of marketing quotas and the national acreage allotment for wheat for 1960. This measure will now be sent to the President. p. 7180
9. APPROPRIATIONS. House conferees were appointed on H. R. 5916, the second supplemental appropriations bill. Senate conferees have been appointed. p. 7180
10. PERSONNEL; ACCOUNTING. The Post Office and Civil Service Committee ordered reported two bills: (1) H. R. 5752, to provide for absence from duty by civilian officers and employees of the Government on Fri. when a holiday falls on Sat.; with an amendment to make the bill effective July 1, 1959, and (2) ~~H. R. 6134~~, without amendment, to amend the Federal Employees Pay Act of 1945 to eliminate the authority to charge to certain current appropriations or allotments the gross amount of salary earnings of Federal employees for certain pay periods occurring in part in previous fiscal years. p. D345

May 14, 1959

"3. The bill reduces the present 15-acre wheat exemption to the lesser of 12 acres or the highest planted acreage in 1957, 1958 or 1959.

"4. Removes the present ceiling of 30 acres on the wheat-for-feed exemption, and permits unlimited production for on-the-farm use.

"5. Leaves the national minimum allotment at 55,000,000 acres.

"6. For the two years the program is in effect, there would be an increase in the penalty for overplanting from the present 45 percent of parity to 65 percent of parity, based on double the normal yield or the actual yield, whichever is lower.

"7. Provides for automatic preservation of acreage histories for the two-year life of the program.

"8. Stipulates that non-cooperators will be ineligible for any price support.

"9. Permanently repeals the 200-bushel exemption.

"10. Bases voting eligibility for marketing quota referenda on the previous year's planting record rather than on the announced intention of planting for the current year."

9. AREA REDEVELOPMENT. The Banking and Currency Committee reported with amendment S. 722, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas (H. Rept. 360). p. 7378

Rep. Flood inserted a list of amendments made by the Banking and Currency Committee to the area redevelopment bill, and a list "of the Congressional Districts with labor markets suffering from substantial labor surplus, as well as rural redevelopment areas, such list indicates current and prospective date of eligibility for benefits under the area redevelopment bill." pp. 7366-71

10. PRESIDENT'S MESSAGE. Received from the President a message urging Congress to take prompt action to enact legislation dealing with the wheat, housing, and highway situations (S. Doc. 27). pp. 7340-1

11. HOUSING. The Rules Committee granted a rule for consideration of S. 57, the housing bill for 1959. The "Daily Digest" states that "The rule will make in order as a substitute H. R. 7117 (introduced by Representative Herlong). Both S. 57, as amended by the Banking and Currency Committee, and H. R. 7117, will be considered as original bills and subject to amendments." pp. D357, 7378

12. FAIR TRADE; MARKETING. The Interstate and Foreign Commerce Committee ordered reported with amendment H. R. 1253, to amend the Federal Trade Commission Act so as to equalize rights in the distribution of merchandise identified by a trademark, brand, or trade name. p. D356

13. CONTRACT RENEGOTIATION. The Ways and Means Committee reported without amendment H. R. 7086, to extend the Renegotiation Act of 1951 (H. Rept. 364). p. 7378

14. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. H. R. 5752, to provide for the absence from duty by civilian officers and employees of the Government on Fri. when a holiday falls on Sat.; the bill would become effective July 1, 1959 (H. Rept. 362). p. 7378

15. FORESTRY. Rep. Ostertag commended the Secretary's report, "Program for the National Forests," and expressed hope that the Agriculture Committee "will find that the program merits our support." p. 7343

16. IRRIGATION. Rep. McGovern discussed the benefits of irrigation in S. Dak., and inserted an article, "Farmers in Huron Area Show More Interest in Irrigation." pp. 7344-5
17. DAIRY MARKETING. Rep. Johnson, Wisc., discussed and summarized the provisions of his bill, H. R. 6750, to provide for a long-range income stabilization and improvement program for dairy producers, and inserted a table on estimated Government costs, market prices, market supply reductions, and returns to farmers which would result from the program during a typical year's operation. pp. 7354-9
18. INTEREST RATES. Rep. Rhodes defended the administration's interest rate policy stating that there "is a very definite correlation between the value of the dollar and the interest rate, as shown very graphically by our experience of the last few years." p. 7371
19. EDUCATION; PROPERTY. Received from HEW a proposed bill "to amend Public Laws 815 and 874, 81st Congress, relating to school assistance in federally affected areas, so as to limit payments under such laws to situations involving tax-exempt Federal property"; to Education and Labor Committee. p. 7378
20. LEGISLATIVE PROGRAM. Rep. McCormack announced the following legislative program: Mon., May 18: agricultural appropriation bill for 1960; consent calendar; and H. R. 7007, National Aeronautics and Space Administration appropriation authorization bill for 1960; Tues., May 19; private calendar; housing bill; and general Government matters appropriation bill (after housing bill disposed of). p. 7338
21. COMMITTEE ASSIGNMENTS. Rep. Quie resigned from the Select Committee on Small Business. p. 7340
22. ADJOURNED until Mon., May 18. p. 7377

ITEMS IN APPENDIX

23. SURPLUS COMMODITIES. Extension of remarks of Sen. Symington stating that his proposed food-for-peace bill "is a positive, dynamic approach to this grave question and problem," and inserting an editorial, "Must Our Food Surplus Be Treated As An Evil?" p. A4029
Extension of remarks of Rep. Dingell criticizing this Department's administration of the surplus commodities disposal program, and urging the establishment of a food stamp plan. pp. A4036-7
24. SOIL CONSERVATION. Extension of remarks of Sen. Yarborough inserting an editorial, "Soil Conservation Vital." p. A4030
25. WHEAT. Sen. Langer inserted a GTA Daily Radio Roundup discussing problems of the wheat farmers. p. A4034
26. FARM PROGRAM. Sen. Wiley inserted an article, "Uncle Sam Has Recovered 84 Cents on Each Dollar Spent on Farm Supports." p. A4036
Extension of remarks of Rep. Wolf favoring economy in Government, and stating that "I submit we overhaul our farm program. I submit that the greatest spender of them all is Secretary Benson." pp. A4052-3
Extension of remarks of Rep. Cooley inserting an editorial, "Prophets and Opinion Polls," refuting certain Farm Journal opinion poll claims. p. A4089

OBSERVANCE OF LEGAL HOLIDAYS BY FEDERAL
EMPLOYEES

MAY 14, 1959.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MURRAY, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H.R. 5752]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

(1) Page 2, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following:

(1) If any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday, in lieu of such day which so occurs on such Saturday, (A) for such officers and employees whose basic workweek is Monday through Friday, and (B) for the purposes of section 205(d) of the Annual and Sick Leave Act of 1951 (65 Stat. 681) as amended (5 U.S.C. 2064(d)).

(2) Page 2, line 14, strike out "day" and insert in lieu thereof "workday".

(3) Page 2, line 19, strike out "This Act" and insert in lieu thereof "The first section of this Act, except clause (B) of paragraph (1) of such section,".

(4) Page 2, immediately following line 20, insert the following new section:

SEC. 3. The preceding sections of this Act shall take effect on July 1, 1959.

PURPOSE OF AMENDMENTS

(1) The purpose of the first amendment is to preserve for rural letter carriers certain benefits provided by the act of April 30, 1947 (Public Law 44, 80th Cong.), as reenacted and modified by section 205(d) of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2064(d)). Under existing law, a rural carrier who is absent on annual leave or sick leave for at least 5 successive days (or 4 days if a holiday occurs on any day other than Saturday or Sunday) is not charged with a day of leave for any holiday which falls within such period of leave. This provision places the leave rights of rural carriers, who work a 6-day week, on a basis substantially equal to the leave rights of Federal employees whose workweek comprises only 5 days—generally Monday through Friday. Thus, when a legal holiday falls on Monday, Tuesday, Wednesday, Thursday, or Friday, a rural carrier who is on leave for all 5 of those days is charged with only 4 days of leave used. This is precisely the leave charge which would be made to any employee who has a Monday-through-Friday workweek and is on leave for the same 5 days.

H.R. 5752, as introduced, omitted language which is necessary to continue the policy first adopted in Public Law 44 of the 80th Congress. The first amendment corrects such omission by supplying the necessary language in clause (B) of paragraph (1) of the first section of the bill, as shown in *italics* on page 2 of the reported bill.

(2) The second amendment is a technical amendment, recommended by the Acting Comptroller General of the United States, to clarify the intention that employees will be excused from duty on one of their regular workdays to observe any legal holiday which shall fall on a Saturday or on an employee's day off in lieu of Saturday.

(3) The third amendment is a technical amendment which is necessary to conform section 2 of the introduced bill with the policy effected by the first amendment, as explained above.

(4) The fourth amendment makes the first section and section 2 of this legislation effective on July 1, 1959. One effect of the amendment is to reduce the immediate cost of the legislation since, with this amendment, the legislation will not operate to excuse employees from duty on the day immediately preceding Memorial Day (May 30, 1959), when a legal holiday next will fall on Saturday. The first section will be effective, however, for all holidays which shall fall on Saturdays (or nonworkdays in lieu of Saturdays) on and after July 1, 1959—including Independence Day, July 4, 1959, which is the first such holiday to be affected by the legislation.

PURPOSE OF H.R. 5752

The purpose of this legislation is to correct inequities in the existing law and regulations which deprive certain Federal employees of the right to be excused from duty on a workday for each of the eight legal holidays provided by law for Federal employees, while many of their fellow workers are afforded such opportunity for each of the eight legal holidays every year. The reported bill will insure equal treatment for all Federal employees in respect to the observance of the usual eight legal holidays in every year, regardless of the day of the week on which any such holiday may fall.

STATEMENT

This legislation does not establish any new or additional legal holidays. It does not give any Federal employee any right, privilege, or benefit not clearly intended under existing law. It will cause no interference or delay in the operations or services of any Government department or agency. The bill merely closes a gap in the law which has continued largely due to oversight and has been brought to special attention because, under existing law, hundreds of thousands of Federal employees will receive only 6 days off to observe legal holidays in 1959 instead of the eight legal holidays which they have a right to expect and which many other Federal workers will receive because of variations in their workweeks. Similar loss of holiday time off will recur in later years from time to time, by reason of the calendar days on which certain holidays happen to fall in such years. In short, the loss of holidays may be said to be due to accident of the calendar which was not taken into consideration when the Congress laid down the policy of eight legal holidays each year for Federal employees.

Provision is made by existing law for Federal employees to be excused from duty on a workday for each of eight designated legal holidays. These holidays are New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Labor Day (first Monday in September), Veterans Day (November 11), Thanksgiving Day (last Thursday in November), and Christmas Day (December 25). Since Labor Day and Thanksgiving Day are on specified weekdays they are not here involved, whereas any of the other six holidays may, and at times do, occur on Saturday.

It has been the almost universal impression that under present holiday laws each and every Federal employee receives eight legal holidays every year. In other words, it has become a generally accepted understanding that such employees are excused from duty on eight special days each year, to observe or commemorate historic or religious occasions, apart and aside from those days in each week on which they are not scheduled to perform duties. Stated differently, an employee having an annual salary rate is paid for 260 days of work each year, excluding Saturdays and Sundays, but the 260 days for which he is paid include his annual and sick leave and the eight legal holidays.

Contrary to the general impression, however, many Federal employees are deprived of the benefit of the full number of eight annual legal holidays in any year during which one or more of the holidays fall on Saturday. This will occur twice in the calendar year 1959, when Memorial Day and Independence Day fall on Saturdays.

A schedule showing the incidence of holidays on each day of the week appears at page 10 of this report.

Executive Order 10358, dated June 9, 1952, prescribes general regulations for the observance of holidays by Government departments and agencies. Sections 3, 4, and 5 of the Executive order, which are especially pertinent to this legislation, are as follows:

SEC. 3. Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday.

SEC. 4. (a) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(b) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been administratively scheduled as his regular weekly nonworkday in lieu of Sunday.

SEC. 5. Any employee who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever the first Monday of September or the fourth Thursday of November, or any other holiday which always occurs on a specific day of the calendar week (other than Sunday), falls on a day outside the employee's regular basic workweek.

It is to be noted that the quoted excerpts from the Executive order provide rather comprehensive and detailed instructions for the purpose of insuring fair and equitable treatment, in respect to days off to observe holidays, for Federal employees by groupings related to the types of workweeks involved. Also, the order establishes the policy of excusing employees from duty on a workday (usually Monday) whenever a legal holiday falls on Sunday. This Sunday policy is further extended by the order so as to authorize a workday off for any employee whose scheduled workweek includes Sunday and who, therefore, is considered as having his Sunday on some other day of the week. For example, with respect to an employee whose regular workweek is Thursday through Monday it is administratively determined that Tuesday and Wednesday (nonworkday in his regular schedule) shall be considered as the employee's Saturday and Sunday and, should a legal holiday fall on such a Wednesday (representing the employee's Sunday) he is excused from duty on his next regular workday, or Thursday.

No such provision is made in the Executive order for excusing such an employee from duty on a workday if a legal holiday falls on the day administratively recognized as his Saturday (that is, the Tuesday nonworkday in the example set forth in the immediately preceding paragraph). Similarly, under the order, employees whose regular workweeks are Monday through Friday are not excused from duty on a regular workday when a holiday falls on Saturday.

A major premise of the adverse report submitted by the U.S. Civil Service Commission is that the practice of granting a workday off when a holiday falls on Sunday—

is based, at least in part, on the common feeling that Sunday, a day of religious devotion, is not a suitable day for public celebration of holidays.

This argument falls short of its mark, particularly in the light of present regulations which grant workdays off when a legal holiday falls on a day other than a Sunday—as evidenced by the example cited above wherein, by administrative determination, a Wednesday is

treated as an employee's Sunday and he is excused from duty the following day when a legal holiday falls on such Wednesday.

Under existing law, relatively large groups of Federal employees—such as rural mail carriers, firemen, and others working a 6-day week including Saturday—actually do receive a day off for each legal holiday. However, the majority of Federal employees, who are operating on a 5-day, 40-hour week, are not given a day off from work when a holiday occurs on Saturday since Saturdays are nonworkdays in their regular schedule. Nor is there any provision of law for such employees to be granted any workday off when a holiday falls on Saturday. This places these employees at a disadvantage, in relation to the group of employees whose regular tours of duty include Saturdays, with respect to being excused from duty for each of the customary eight annual legal holidays.

This legislation is recommended by the committee with full recognition that certain essential Government services must be provided for the workdays on which employees will be excused to observe legal holidays. Service to business and the public by the postal establishment, for instance, must be maintained, not only as a matter of public convenience and necessity but, also, to prevent the disruption of orderly and expeditious movement of the mails and the overloading of storage facilities which would result were post offices and other facilities to be closed down on such days. These and similar necessary Government functions will not be interrupted as a result of this legislation. Management, of course, will take all possible measures to provide adequate service at a minimum cost through appropriate assignment of employees, the granting of compensatory time off where suitable, and careful planning of work schedules.

Cost

Representatives of the administration testified before the committee that additional costs in the estimated amount of \$6 million will be incurred by the Government for each legal holiday which falls on Saturday after enactment of this legislation. Witnesses for postal and other Federal employee organizations testified that the cost would be considerably less than \$6 million, through the exercise of reasonable care and prudence by management in the assignment of employees and the scheduling of work required to maintain essential services for the days on which employees will be excused from duty to observe holidays under this legislation.

ADMINISTRATIVE REPORTS: SCHEDULE OF LEGAL HOLIDAYS AFFECTED

The reports of the Bureau of the Budget, the Post Office Department, and the Civil Service Commission opposing this legislation were directed to the introduced bill which would have become effective immediately upon enactment and, therefore, provided for excusing employees from duty on the day preceding Memorial Day, May 30, 1959. The necessity for requests by a number of departments and agencies for supplemental appropriations to cover the additional cost for this day undoubtedly represented a strong factor influencing the administrative opposition. The reported bill, which will take effect on July 1, 1959, will not provide for workdays off for employees to observe Memorial Day this year and thus removes one of the major

administrative objections to this legislation. The report of the Acting Comptroller General of the United States made no recommendation on the merits of this legislation but suggested a clarifying amendment, which is contained in the reported bill.

The administrative report and a schedule showing the days of the week on which legal holidays will fall during the period 1960 to 1999 follow:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 14, 1959.

Hon. TOM MURRAY,
*Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Reference is made to your recent requests for the views of the Bureau of the Budget with respect to H.R. 535, H.R. 4455, H.R. 4577, H.R. 5752, H.R. 5756 and H.R. 5899, all bills relating to the observance of holidays occurring on Saturday.

These bills provide generally that Federal employees whose basic workweek is Monday through Friday shall, whenever a holiday falls on Saturday, be granted a workday, usually the preceding Friday, as a holiday for the purpose of laws relating to pay and leave. Comparable treatment is provided by H.R. 535, H.R. 5752, and H.R. 5756 for employees whose basic workweek is other than Monday through Friday. The bills have the general objective of providing holiday benefits for each Federal holiday regardless of the calendar day on which it occurs. In 1959 both May 30 and July 4 fall on Saturday, and the effect of the bills would be to provide two additional holidays.

In advance reports being submitted to your committee, the Civil Service Commission advises that current Federal leave policy is sufficiently liberal, and that this further liberalization is not required; and the Post Office Department advises that practical problems of administration of the postal service would be created, and estimates that each Saturday holiday would result in about \$4 million in additional expenditures for it.

In light of these reports, the Bureau of the Budget opposes enactment of any of these bills.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., April 8, 1959.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your requests for reports on H.R. 5752 and H.R. 5756, identical bills to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

The purpose is the enactment of legislation, affecting all Federal offices and establishments, to insure that Federal employees shall

receive the benefit of all legal holidays to the same extent as though the holiday fell on a regularly scheduled workday. This purpose would be accomplished as follows:

“(1) If any such day [holiday] shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday for such officers and employees whose basic workweek is Monday through Friday, in lieu of such day which so occurs on such Saturday.

“(2) If any such day [holiday] shall occur on a regular weekly non-workday of any officer or employee whose basic workweek is other than Monday through Friday (except the regular weekly nonworkday administratively scheduled for such officer or employee in lieu of Sunday) the day immediately preceding such regular weekly nonworkday shall be held and considered to be a legal public holiday for such officer or employee in lieu of such day which so occurs on such regular weekly nonworkday.”

Section 2 provides that “This Act shall not apply to any officer or employee whose basic workweek is Monday through Saturday.”

This Department is opposed to this legislation for the following reasons:

The movement of the mails is a continuous process. The number of employees required for work in post offices could not be reduced on a Friday specified as a holiday under this bill because—

1. Numerous complaints would arise from users who would not observe the day as a holiday and who would expect the mails to move;

2. Storage is inadequate in many cities to hold mail over the weekend;

3. Backlogs built up could not be overcome on Saturday due to the observance of that day as a holiday by transportation facilities.

Post offices would, therefore, require full complements of personnel comprised of regulars and substitutes to maintain normal weekday production on a Friday declared as a holiday under this bill. The total effect of the bill, therefore, is not to provide a holiday but add to the present salary structure an additional premium compensation day.

It is estimated that the employee replacement cost on each Friday preceding a holiday would be approximately \$3,900,000. Accordingly, the estimated cost of the measure for the remainder of the fiscal year 1959 would be approximately \$3,900,000 for Friday, May 29, 1959. The estimated cost to the Department for the fiscal year 1960 would be \$3,900,000 for Friday, July 3, 1959.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 9, 1959.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. MURRAY: This is in response to your letters of February 20, 1959, March 19, 1959, and March 25, 1959, requesting our views and comments on H.R. 4455 and H.R. 4577, H.R. 5752 and H.R. 5756, and H.R. 5899. Our comments relate only to H.R. 5752 (and to the identical bill H.R. 5756), to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes. We are not commenting on H.R. 4455, H.R. 4577, and H.R. 5899 which have the same general purpose as the bill discussed.

H.R. 5752 provides that, for Federal employees having a Monday-through-Friday basic workweek, whenever a day declared to be a holiday by Federal statute or Executive order occurs on Saturday, the preceding Friday shall be treated as a holiday in lieu of the corresponding calendar day for the purpose of laws relating to pay and leave of absence of Federal employees. Equivalent benefits are provided for employees whose basic workweek is other than Monday through Friday. Because employees whose basic workweek is Monday through Saturday presently receive the benefit of holidays falling on Saturday, they are specifically excluded from coverage of the bill.

The proposed legislation would have the effect of guaranteeing to all employees the benefits of all legal holidays regardless of the calendar day on which they occur. Both Memorial Day and Independence Day fall on Saturday this year. Therefore, its enactment would give Federal employees the benefits of two holidays they will otherwise not receive this year.

Executive Order 10358, June 9, 1952, prescribes general regulations on holidays for Federal employees in the executive branch. Among other things, it provides that when a holiday occurs on Sunday, Monday shall be treated as a holiday. This follows well-established practices of American business and industry. The practice is based, at least in part, on the common feeling that Sunday, a day of religious devotion, is not a suitable day for public celebration of holidays. The celebration of Sunday holidays, therefore, generally takes place on the following Monday. If business or Government activities did not close on such a Monday, their employees would be deprived of the opportunity of participating in or attending commemorative ceremonies or other valued holiday events. The same reasoning does not apply to holidays falling on Saturday.

Furthermore, it seems to us that the legislation would not accomplish its intended purpose on a general and uniform basis. In many kinds of Federal positions, the regular workweek necessarily encompasses Saturday. Hence the only effect of the bill would be to give such employees holiday pay, not a day off. In the post office, for example, and in many other service jobs this would surely add to cost. We believe that the Federal Government has a liberal leave policy, in the case of both sick and annual leave, and that the swing of the calendar does not, in equity, require this kind of offset. Accordingly, the Commission does not favor enactment of H.R. 5752.

We have been advised by the Bureau of the Budget that it has no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

ROGER W. JONES, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., March 30, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of March 19, 1959, requests an expression of our views on H.R. 5752.

The bill would require that when a holiday falls on a Saturday the day immediately preceding such day shall be held and considered to be a public holiday in lieu of such Saturday for officers and employees whose basic workweek is Monday through Friday. For employees whose workweek is other than Monday through Friday the bill would provide in effect that when a holiday falls on an employee's day off in lieu of Saturday, the preceding day shall be held to be a legal holiday in lieu thereof. Moreover, no change would be made by the bill for employees whose basic workweek is Monday through Saturday.

We have no comments to offer concerning the merits of the bill, the subject thereof being a matter of policy for determination of the Congress. However, we do note that the bill would confer a benefit similar to that conferred by Executive Order No. 10358, dated June 9, 1952, when a holiday falls on Sunday or on a day designated as an employee's day off in lieu of Sunday.

We suggest that on page 2 of the bill, line 14, the word "workday" be substituted for the word "day." This would remove any doubt as to the holiday which the bill would establish for an employee with a basic workweek of Tuesday through Saturday when Monday is designated as his Saturday and the normal holiday falls on such Monday.

Our comments herein are similar to those made on H.R. 5756, an identical bill.

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

10 OBSERVANCE OF LEGAL HOLIDAYS BY FEDERAL EMPLOYEES

Days of the week on which holidays fall, 1960-99

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1960	1	4			1	2	
1961	1	2	2	1	1		1
1962	1	2	1	2	2		
1963		2	1	1	3	1	
1964		1		2	1	1	3
1965	2	2			2	1	1
1966	1	3	1		1	1	1
1967	1	2	2	1	1		1
1968		3		1	4		
1969		1	1	1	2	2	1
1970	1	1		1	2	1	2
1971	2	2			2	1	1
1972		2	3		1		2
1973	1	2	1	2	2		
1974		2	1	1	3	1	
1975		1	1	1	2	2	1
1976	3	1			3		1
1977	1	3	1		1	1	1
1978	1	2	2	1	1		1
1979	1	2	1	2	2		
1980		1	2		2	3	
1981	1	1		1	2	1	2
1982	2	2			2	1	1
1983	1	3	1		1	1	1
1984	2	1	1	3	1		
1985		2	1	1	3	1	
1986		1	1	1	2	2	1
1987	1			1	2	1	2
1988	1	4			1	2	
1989	1	2	2	1	1		1
1990	1	2	1	2	2		
1991		2	1	1	3	1	
1992		1		2	1	1	3
1993	2	2			2	1	1
1994	1	3	1		1	1	1
1995	1	2	2	1	1		1
1996		3		1	4		
1997		1	1	1	2	2	1
1998	1	1		1	2	1	2
1999	2	2			2	1	1

MINORITY VIEWS BY HON. AUGUST E. JOHANSEN

I oppose H.R. 5752.

An accurate title for this proposed legislation would be "A bill to charge the American taxpayers (or the national deficit) additional amounts in exchange for less service by Federal civilian officers and employees."

Aside from a basic aversion to such a program, I oppose this bill on three main counts:

My opposition is directed, first of all, to the most obvious (and most publicized) provision making Friday a "paid holiday" for Government workers whenever a legal public holiday falls on a calendar Saturday.

Even more, I oppose the "fine print" portion of the bill which gives this measure far more extensive and expensive scope than first appears to the incautious eye.

Finally, I oppose the bill because of the progeny I firmly believe it will inevitably produce in the form of even costlier and more unreasonable legislative demands—not this year, naturally.

I propose to deal with these three points in order.

(1) Witnesses from the executive branch told the committee that transfer of employee holiday benefits to the preceding Friday whenever a legal public holiday falls on a Saturday would cost the taxpayers \$6 million for every such Saturday holiday.

Even those advocates of the bill who argued that this figure is high conceded that it would be wise not to have the law become effective with the May 30 Memorial Day holiday which falls on a Saturday this year. The reason, of course, is that May 30 falls within the 1959 fiscal year and a supplemental appropriation would be necessary to pay the extra cost. The price tag would thus be awkwardly conspicuous.

Therefore the proposed bill becomes effective with the 1960 fiscal year starting July 1. This will be in time for the Fourth of July holiday—which also falls on Saturday this year—but would, of course, bury the added cost for the 1960 fiscal year and thereafter in regular appropriation bills.

I believe this \$6 million cost estimate for each Saturday holiday is totally unrealistic. Presumably this figure covers only extra overtime payments which would result. It recognizes no extra cost—or loss—to the taxpayer for a day's work lost by some 2 million Federal workers. At a \$20 average per worker for such a lost day's work the cost is \$40 million per Saturday holiday.

The House bill, furthermore, lacks the candor and forthrightness of the version introduced in the other body. The House bill completely ducks the issue of whether there is to be a general closing of Federal offices on a Friday which precedes a Saturday legal public holiday. Presumably it leaves this decision to executive department discretion. By contrast S. 909 specifically closes Federal offices and establishments to public business on such Fridays.

I am sure that, whichever version is adopted, this will be the practical result. Such closings would mean further inconvenience to the public; curtailed public service; interrupted governmental activities, including many immensely vital to the national defense; and, finally, either inefficiency and delay in disposing of department and agency workloads or additional personnel and payroll costs for doing the job. The problems on this score would be especially acute in the postal service. The effect would be to put the entire Government out of step with the business community.

For all of which the taxpayer (or the national deficit) will face an added annual charge running into many millions of dollars.

(2) Testimony before the committee that presently designated legal public holidays will fall on a calendar Saturday only 35 times in the next 40 years unwittingly—or cleverly—obscures the fact that this bill involves far more than such calendar Saturday holidays.

This is the “fine print” feature of this legislation. It is contained in paragraph 2 of section 1.

Because of this provision, effects of this bill will apply to every Federal civilian officer and employee in any instance in which the legal public holiday falls on that employee’s “regular weekly non-workday.” These effects, of course, include additional costs to the taxpayer (or the national deficit).

Under this paragraph, an employee whose workweek is other than Monday through Friday (a reported 250,000 to 300,000 Federal employees fall in this category) will either receive an extra day off with pay at the time, a later compensatory day off with pay, or double-time premium pay if required to work, whenever a legal public holiday falls on either of his regular days off.

This involves not only extra cost but further administrative problems of adjusting work schedules and extra days off.

It is true that the precedent for this proposal was established by President Truman’s June 9, 1952, Executive order, with respect to a holiday falling “on a day that has been administratively scheduled as his ‘regular’ weekly nonworkday in lieu of Sunday.” This measure would put the seal of legislative approval on this Executive order—and also expand this provision.

The point is that this bill would establish by statute, for the first time, as an absolute, legal right, the employee’s entitlement to a day’s holiday benefits for each legal public holiday created by law or by Executive order, regardless of whether or not that holiday falls within an employee’s actual workweek.

Congress should face the fact that this does represent something totally new. It is something new being legislatively added for Federal employees who already enjoy liberal holiday, sick leave, and annual leave provisions, and who also enjoy a guaranteed annual wage.

It is something new, as well, for the taxpayer—or the national deficit.

(3) If this bill is enacted, will it be the end of the matter? I think not. And I have both the precedent and the argument already gaining respectability in union contracts negotiated in private industry and employment to support my warning as to the prospective legislative progeny of this instant bill.

The following statement appears in the "AFL-CIO Collective Bargaining Report" for March 1959, by way of summary of gains in holiday provisions of current union contracts in private industry:

The rate of pay for work on a holiday has been increasing. The majority of paid-holiday provisions now provide for more than double-time pay for work on a holiday (that is, the combination of pay for the holiday plus pay for work on the holiday is more than double-time pay.)

The increase in the rate of pay for holiday is due to the simple fact that double time is actually not penalty pay at all and does not provide adequate compensation for the inconvenience of having to work on a holiday.

If a worker receives a day's pay for a holiday if he does not work, and only 2 days' pay if he does work, he is in effect getting only a day's pay—straight-time pay—for coming in to work.

To provide a genuine penalty or premium payment for work on holidays, the agreement must provide for time-and-one-half or double-time pay in addition to the day's pay which would be received if the worker spent the holiday home, or a total payment of double time and a half or triple time.

By the logic of this argument (to which the consent of private employers is already being won), and in view of the usually persuasive claim that Government policies must not lag behind the enlightened personnel policies of private industry, how long will it be before triple time for holidays finds its way into law for Government employees if we take the step proposed in H.R. 5752?

And will it end even there? Again I doubt it. And again I cite precedent already established.

The same AFL-CIO report discloses that a paid holiday for workers on their birthdays has also "been gaining favor" in private industry collective bargaining agreements.

The question of what happens if and when a worker's birthday falls on his "regular weekly nonworkday" hasn't, to my knowledge, been broached yet. But progress in these matters takes time.

I venture no guess as to the duration of the taxpayers' patience so far as the extension of such policies to Government employees is concerned.

But I do point out that Congress will not legislate on this present proposal in a vacuum. Certainly its decisions must inevitably constitute a pattern—indeed, a national policy—for State and local levels of government in these matters of ever more liberal fringe benefits.

And, I fear, it will be a pattern for taxpayers at these levels as well.

I urge my colleagues to most carefully consult their consciences in this matter from the standpoint of reasonableness, equity, prudence—and the survival capacity of those who, one way or another, must foot the bills.

AUGUST E. JOHANSEN.



Union Calendar No. 136

86TH CONGRESS
1ST SESSION

H. R. 5752

[Report No. 362]

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1959

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

MAY 14, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of provisions of law relating to pay
4 and leave of absence of civilian officers and employees in
5 or under the Government of the United States, with respect
6 to New Year's Day (January 1), Washington's Birthday
7 (February 22), Memorial Day (May 30), Independence
8 Day (July 4), Veterans Day (November 11), Christmas
9 Day (December 25), or any other day declared to be a

1 holiday by Federal statute or Executive order, the following
 2 rules shall apply:

3 ~~(1) If any such day shall occur on a Saturday, the~~
 4 ~~day immediately preceding such Saturday shall be held~~
 5 ~~and considered to be a legal public holiday for such~~
 6 ~~officers and employees whose basic workweek is Mon-~~
 7 ~~day through Friday, in lieu of such day which so occurs~~
 8 ~~on such Saturday.~~

9 *(1) If any such day shall occur on a Saturday,*
 10 *the day immediately preceding such Saturday shall be*
 11 *held and considered to be a legal public holiday, in lieu*
 12 *of such day which so occurs on such Saturday, (A)*
 13 *for such officers and employees whose basic workweek is*
 14 *Monday through Friday, and (B) for the purposes of*
 15 *section 205(d) of the Annual and Sick Leave Act of*
 16 *1951 (65 Stat. 681), as amended (5 U.S.C. 2064(d)).*

17 (2) If any such day shall occur on a regular weekly
 18 nonworkday of any officer or employee whose basic
 19 workweek is other than Monday through Friday (ex-
 20 cept the regular weekly nonworkday administratively
 21 scheduled for such officer or employee in lieu of Sunday)
 22 the ~~day~~ *workday* immediately preceding such regular
 23 weekly nonworkday shall be held and considered to be
 24 a legal public holiday for such officer or employee in lieu

1 of such day which so occurs on such regular weekly
2 nonworkday.

3 SEC. 2. ~~This Act~~ *The first section of this Act, except*
4 *clause (B) of paragraph (1) of such section,* shall not
5 apply to any officer or employee whose basic workweek is
6 Monday through Saturday.

7 SEC. 3. *The preceding sections of this Act shall take*
8 *effect on July 1, 1959.*

86TH CONGRESS
1ST SESSION

H. R. 5752

[Report No. 362]

A BILL

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

By Mr. MURRAY

MARCH 17, 1959

Referred to the Committee on Post Office and Civil Service

MAY 14, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

CONTENTS

Issued June 11, 1959
For actions of June 10, 1959
86th-1st, No. 95

Acreage allotments.....	2
Administrative management.....	36
Appropriations.....	9
Buildings.....	27
Conservation.....	35
Cooperatives.....	1
Depressed areas.....	32
Education.....	34
Egg prices.....	21
Electrification.....	14
Employment.....	7, 20
Family farms.....	22
Farm loans.....	1, 18
Farm program.....	33
Fiscal affairs.....	17
Fish.....	16
Food-for-peace.....	23
Forestry.....	5
Foreign affairs.....	13
Foreign aid.....	3
Foreign currencies.....	3
Health insurance.....	36

Holidays.....	4
Information.....	3, 8, 29
Interest rates.....	17
Investigation.....	33
Legislative program.....	10
Ocean freight.....	3
Personnel.....	4, 30, 36
Price supports.....	1, 2
Prices.....	7, 21
Public debt.....	26
Reclamation.....	6
Research.....	3, 28
Retirement.....	30
Senate accomplishments.....	12
Soil conservation.....	28
Surplus commodities.....	3
Technical cooperation.....	3
Tobacco.....	1
Trade.....	19
Transportation.....	19
Water conservation.....	28
Water pollution.....	25
Watersheds.....	15
Wheat.....	2, 11, 24, 31

HIGHLIGHTS: House passed tobacco price support bill. House debated wheat bill. House Rules Committee cleared bill to extend mutual security program. Rep. Coffin submitted and discussed measure to authorize special study and investigation of farm program.

HOUSE

1. TOBACCO. Passed, 250 to 149, with amendment S. 1901, to modify price supports for tobacco (pp. 9408-22).
 - Agreed to, 108 to 55, an amendment by Rep. Michel to limit to \$50,000 the total amount of CCC loans or purchases made to any person on the 1960 production of tobacco. The amendment exempts cooperative marketing organizations. (pp. 9416-7)
 - Rejected, 65 to 123, an amendment by Rep. Hoeven to provide for a 3-year freeze on tobacco price supports at the 1958 level for the 1959, 1960, and 1961 crops (pp. 9408-16).
 - Rejected an amendment by Rep. Pelly to provide that no financial benefit or assistance shall accrue or be paid, directly or indirectly, under the bill to any Member of Congress or employee of the Federal Government (p. 9416).
 - Rejected an amendment by Rep. Michel to limit to 2 acres the Flue-cured tobacco acreage allotment for any farm in 1960 and subsequent years (pp. 9417-20)

Rejected, 138 to 260, a motion by Rep. Hoeven to recommit the bill to the Agriculture Committee with instructions to report it back with his amendment providing for a 3-year freeze on tobacco price supports (pp. 9421-22). A motion to reconsider the vote on the bill was tabled (p. 9422).

2. WHEAT. Began debate on H. R. 7246, to revise acreage allotments and price supports for wheat. pp. 9423-32
3. FOREIGN AID. The Rules Committee reported a resolution for consideration of H. R. 7500, to extend the mutual security program (pp. 9422, 9438). As reported by the Foreign Affairs Committee, this bill includes provisions as follows: Requires that at least \$175,000,000 (same amount as in last year's act) of mutual security funds be used to finance the sale for foreign currencies of surplus agricultural commodities. Authorizes \$2,300,000 (last year's appropriation was \$2,100,000) for ocean freight to move supplies donated to and by American voluntary agencies. Authorizes the President to utilize foreign currencies under this bill, or any other act, for science and research, including the translation of scientific books and treatises. Authorizes \$211,000,000 for technical cooperation programs.
Regarding the use of private trade channels in the export and sale of surplus commodities for foreign currencies, the committee report includes the following statements:
"This committee supports the objectives of avoiding direct State trading in these transactions and of keeping the commodities in private trade channels so far as practicable. However, it wishes to emphasize that economy and efficiency are to be carefully considered in determining 'practicability'. In particular, it would appear that where a transaction is essentially between two arms of the U. S. Government, the ICA and the CCC, a careful study should be made to determine whether a more advantageous form of transfer might be arranged."
4. PERSONNEL; HOLIDAYS. The Rules Committee reported a resolution for consideration of H. R. 5752, to provide for time off for Federal employees for holidays occurring on Saturdays. ~~pp. 9422-3, 9438~~
5. FORESTRY. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 3682, to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribous and Targhee National Forests. p. D460
6. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following bills: p. D460
H. R. 968, with amendment, to provide for the construction of the Bully Creek Dam and other facilities, Vale Federal reclamation project, Ore.
H. R. 804, with amendment, to authorize construction of the Spokane Valley Federal reclamation project, Wash. and Ida.
7. EMPLOYMENT; PRICES. The Government Operations Committee voted to report (but did not actually report) H. R. 6263, to amend the Employment Act of 1946 so as to provide for its more effective administration, and to bring to bear an informed public opinion upon price and wage increases which threaten economic stability. p. D460
8. INFORMATION. A subcommittee of the Education and Labor Committee voted to report to the full committee H. R. 2569 (amended and a clean bill will be introduced), to establish a 21-member Federal Advisory Council on the Arts. p. D460

CONSIDERATION OF H.R. 5752

JUNE 10, 1959.—Referred to the House Calendar and ordered to be printed

Mr. MADDEN, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 294]

The Committee on Rules, having had under consideration House Resolution 294, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 89

86TH CONGRESS
1ST SESSION

H. RES. 294

[Report No. 527]

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1959

MR. MADDEN, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 5752) to provide
5 for absence from duty by civilian officers and employees of
6 the Government on certain days, and for other purposes.
7 After general debate, which shall be confined to the bill,
8 and shall continue not to exceed one hour, to be equally
9 divided and controlled by the chairman and ranking minority
10 member of the Committee on Post Office and Civil Service,
11 the bill shall be read for amendment under the five-minute
12 rule. At the conclusion of the consideration of the bill for

1 amendment, the Committee shall rise and report the bill to
2 the House with such amendments as may have been adopted,
3 and the previous question shall be considered as ordered on
4 the bill and amendments thereto to final passage without
5 intervening motion except one motion to recommit.

House Calendar No. 89

86TH CONGRESS
1ST SESSION

H. RES. 294

[Report No. 527]

RESOLUTION

Providing for the consideration of H.R. 5752,
a bill to provide for absence from duty by
civilian officers and employees of the Gov-
ernment on certain days, and for other pur-
poses.

By Mr. MADDEN

JUNE 10, 1959
Referred to the House Calendar and ordered to be
printed

June 30, 1959

2. TEMPORARY APPROPRIATIONS. Passed under suspension of the rules H. J. Res. 439, the continuing resolution making temporary appropriations to departments and agencies pending the enactment of the remaining regular appropriation bills (pp. 11204-8). The Senate later passed this measure without amendment (p. 11157). This measure will now be sent to the President.
3. COMMERCE DEPARTMENT APPROPRIATION BILL, 1960. Received the conference report on this bill, H. R. 7349, (H. Rept. 621) (pp. 11256-7, 11259). Conferees were appointed earlier in the day (p. 11195).
4. STATE-JUSTICE APPROPRIATION BILL, 1960. Received the conference report on this bill, H. R. 7343 (H. Rept. 620). pp. 11257-8, 11259
5. PERSONNEL; HOLIDAYS. Passed as reported H. R. 5752, to grant Federal employees a legal holiday on Friday for holidays occurring on Saturday (pp. 11208-29). Rejected a motion by Rep. Johansen to recommit the bill to the Post Office and Civil Service Committee (p. 11229).
6. CONTRACTS. Received the conference report on H. R. 7086, to extend the Renegotiation Act of 1951 for 3 years, until June 30, 1962 (H. Rept. 619). pp. 11229-30, 11259
7. PATENTS. The Judiciary Committee ordered reported (but did not actually report) H. R. 4059, with amendment, to amend title 28 of the U. S. Code to protect copyrights from Government infringement, and H. R. 2739, to fix the fees payable to the Patent Office on patents. p. D549
8. LANDS. Received from Interior a proposed bill "to donate to certain Indian tribes some submarginal lands of the United States"; to Interior and Insular Affairs Committee. p. 11259
9. PRICES; INFLATION. Rep. Wolf criticized the report of the Cabinet Committee on Price Stability for Economic Growth as being "replete with cliches and slogans." pp. 11245-6
10. HOUSING LOANS. Rep. Rogers inserted the statement of the President regarding his approval of H. R. 2256, to provide additional funds for direct housing loans to veterans in rural areas. p. 11248
11. INTEREST RATES. Rep. Johnson, Colo., inserted a Library of Congress memorandum, "Rising Interest Rates and the Role of Monetary and Debt-Management Policy." pp. 11252-4

SENATE

12. COTTON. Sen. Johnston urged favorable action by the USDA on a petition submitted to the Secretary by the National Cotton Council "seeking relief for the cotton-growers of America from the growing threat of foreign cotton textile imports," and he stated that "unfair privilege" is given foreign manufacturers who "can purchase American cotton at 6 cents per pound cheaper than American manufacturers." pp. 11160-1
13. MUTUAL SECURITY. Began debate on S. 1451, the mutual security authorization bill for 1959 (pp. 11157-60, 11171-9, 11180-1). Sen. Humphrey announced his intention to propose an amendment to the bill to "correct" the situation whereby certain surplus foods, "butter, for example ... will be offered for sale abroad ... before it is made available as a gift for needy and hungry people in the United States" (pp. 11180-1).

14. FOREIGN CURRENCIES. Passed, with amendments, 89 to 3, H.R. 5674 to authorize construction at military installations, including the use of foreign currencies under Public Law 480 for foreign military housing construction. Conferees were appointed. House conferees have not yet been appointed. (pp. 11091-11120, 11121-8, 11141-52, 11155-7).
Agreed to an amendment by Sen. Stennis which he stated "provides for a broadening of Public Law 480, so far as military construction is concerned, by using the proceeds from surplus commodities. Public Law 480 now applies to schoolhouses, farm housing, and items of that nature. This amendment proposes to broaden it whenever it is feasible." (p. 11155).
15. WHEAT. Sen. Fulbright announced that hearings would be held on the International Wheat Agreement, 1959, by the Foreign Relations Committee on July 14 at 10 a.m. p. 11984
16. PRICE SUPPORTS; FORESTRY. Received from the Hawaii Legislature and Governor the following resolutions requesting Congress: (1) to enact legislation to include coffee among the basic agricultural commodities assisted and supported by programs under the AAA of 1938, and to authorize parity payments to coffee grower in Hawaii; (2) to establish and operate a Forest Research Center in Hawaii (p. 11080); (3) to amend the Internal Revenue Act of 1954, as amended, so that income from the sale of perennial crops may be prorated to the number of years required to cultivate the crops. pp. 11080-1
17. ELECTRIFICATION. Sen. Yarborough inserted a resolution of the National Rural Electric Cooperative Association opposing any attempts to weaken or destroy the preference clause (giving preference to nonprofit and rural electric systems in the use of Federal power). p. 11082
The "Daily Digest" states that the Public Works Committee "in executive session, reconsidered H. R. 3460, to amend the TVA Act so as to assist in the financing of its power programs, and tentatively approved the bill with amendments. The Committee will meet again on Thurs., July 2, to review new language contained in the bill, and the report thereon." p. D547
18. BUDGET; INFLATION. Sens. Allott and Young, N. D., inserted editorials urging a balanced budget and a curb on inflation. pp. 11128-9
19. FISCAL POLICY; ECONOMIC CONDITIONS. Sens. Proxmire, Kuchel, Clark, Symington, and Bridges debated fiscal policy, the recent Cabinet Committee study on price stability and inflation, and economic conditions. pp. 11084-5, 11086-7, 11089-91.
20. RESEARCH. Sen. Humphrey announced that hearings would be held July 9 and 16 on international medical research by the Subcommittee on Reorganization and International Organizations of the Government Operations Committee. pp. 11179-80
21. CONSERVATION CORPS. Sen. Humphrey inserted an article by the Wisconsin State AFL-CIO in support of his bill S. 812, to establish a Youth Conservation Corps. p. 11181
22. LEGISLATIVE PROGRAM. Sen. Johnson announced that the Senate would continue debate on S. 1451, the mutual security authorization bill and expressed hope that action would be concluded on it by Thurs., but, if not, the Senate would meet Fri. p. 11160

not precisely determined. Furthermore, on a comparable basis, these bills exceed executive recommendations by over \$500 million, plus additional billions not precisely identified.

So, Mr. Speaker, while no one can disclose with absolute precision what is being done to the budget, the facts are clear thus far that we are heading for bigger and bigger budgets unless we stop granting licenses right and left to remove more and more money from the Treasury—money, incidentally, that isn't even in the Treasury, money that we have to borrow—and borrow with increasing difficulty and at ever-increasing cost.

We have just gotten through the annual raising of the debt limit—both the permanent ceiling and the temporary ceiling. Piece by piece, step by step the temporary ceiling becomes permanent. The restraining influence of a debt ceiling has been cast aside. We now have a

\$295 billion debt limit—\$20 billion higher than it was just 5 years ago.

There is now every indication of another deficit in the year that begins tomorrow. The nominal margin of \$70 million by which the budget was in balance has already vanished. The Treasury recently advised that budget revenues next year might go a little higher than originally estimated, but several contingencies will likely wipe that out and more besides.

You are beginning to hear about the crisis in the highway trust fund. That will materialize in fiscal 1960 and the Congress will doubtless be importuned to bail it out in the next few weeks. This was started under another of those "back door" bills whereby Congress relinquished control of spending. All we do is pick up the tab—the authority to commit the fund was granted in the orig-

inal law and the appropriation to reimburse the States is perfunctory—perfunctory that is, until it impinges on the general budget, and then the chickens begin to come home to roost. The President originally advised that the fund would be short \$241 million in 1960 but a more recent estimate is a shortage of over \$500 million. Where is that going to come from? The President urges a gas tax increase. But what is to be done about that? The construction work is proceeding. The bills must be paid. What happens to the nominal budget surplus of \$70 million if the general fund is called on to pay the bill?

And what about the ensuing years of the highway program in the face of insufficient funds in sight? Will we follow the pay-as-you-go principle written into the law or again lay it aside—spending more than is coming in?

New authority to obligate the Government ("back-door spending") carried in legislative bills (86th) public debt transactions and contract authorities

[Comparisons are between executive requests and each bill at latest stage]

Bill and subject (1)	Executive requests		Senate (4)	House (5)	Final (6)	Latest action versus executive requests	
	Full basis (2)	Basis comparable to final (3)				Full basis (6) versus (2) (7)	Comparable basis (6) versus (3) (8)
S. 1094 (H.R. 4452): ¹ Bretton Woods Agreement— (a) Monetary fund (public debt)..... (b) World Bank (public debt).....	\$1,375,000,000 3,175,000,000	\$1,375,000,000 3,175,000,000	\$1,375,000,000 3,175,000,000	\$1,375,000,000 3,175,000,000	\$1,375,000,000 3,175,000,000	----- -----	----- -----
Total, Bretton Woods.....	4,550,000,000	4,550,000,000	4,550,000,000	4,550,000,000	4,550,000,000	-----	-----
H.R. 2256: Direct veterans loans (public debt).....			100,000,000	300,000,000	² 100,000,000	+\$100,000,000	+\$100,000,000
S. 1 (H.R. 1011): Airport grants (contract authority).....	200,000,000	120,000,000	465,000,000	297,000,000	126,000,000	—74,000,000	+6,000,000
S. 722: Depressed areas (public debt).....	50,000,000	(?) 50,000,000	³ 300,000,000	(⁴)	-----	—50,000,000	—50,000,000
S. 57 (Housing Act of 1959): (a) FNMA co-op. housing (public debt)..... (b) College loans (public debt)— Dormitories..... Classrooms.....	200,000,000	200,000,000	300,000,000 125,000,000	⁵ (75,000,000) ⁵ (400,000,000)	² 37,500,000 ² 300,000,000	+37,500,000 +100,000,000	+37,500,000 +100,000,000
(c) Urban renewal grants (construction authorized).....	1,450,000,000	600,000,000	2,100,000,000	⁵ (1,500,000,000)	² 900,000,000	—550,000,000	—300,000,000
(d) Direct veterans' loans (public debt).....			150,000,000				
(e) Public housing (construction authorized).....			(⁶)	(^{5 6})	(^{2 6})	(⁷)	(⁶)
Total, housing act.....	1,650,000,000	800,000,000	2,675,000,000	⁵ (1,075,000,000)	² 1,300,000,000	—350,000,000	+500,000,000
Grand total.....	6,450,000,000	5,520,000,000	8,090,000,000	5,147,000,000	6,076,000,000	—374,000,000	+556,000,000

¹ \$1,375,000,000 is for immediate expenditure; \$3,175,000,000 is in nature of guaranty for World Bank bonds.

² Pending Presidential action.

³ To be set up as revolving funds to perpetuate programs (Executive request is for appropriation, not public debt).

⁴ Reported by committee and pending in House. Reported as regular authorization for appropriation, not public debt item.

⁵ Not added to totals, since floor amendments (Thomas amendments) provided that such amounts shall be available only as and when so specified from time to time in appropriation acts.

⁶ Senate: Some 45,000 units estimated at \$874,500,000 over next 38 to 40 years. House: Per minority report, some 190,000 units estimated at \$3,700,000,000; majority report used figure of about 140,000 units. Final: Conference report provides the 45,000 units estimated at \$874,500,000 and, in addition, carries language permitting an additional number of about 145,000, at an additional cost of some \$2,825,000,000 according to HHFA estimates.

⁷ Statement does not include \$5,000,000,000 public debt borrowing authority for Development Loan Fund under mutual security, reported by Senate committee but not yet acted upon by the Senate.

But both the estimates set up by the President and the appropriation and backdoor spending bills passed by the Congress are entirely too large. The total expenditures provided this session will far exceed the national income, as large as it is. If enacted in present form these bills and related actions on budget suggestions from the President will create another deficit which must be borrowed by selling Government bonds. Nothing is provided out of our vast revenues to pay on the national debt.

If the spending bills had been for \$12 billion less instead of \$12 billion more

this year, and we would not have had to borrow any money—and we could have paid this substantial amount on the public debt—the purchasing power of the dollar would have gone up—wages would have bought more—pensions and annuities would have provided a better living and the cost of living would have dropped.

But with the certainty of a deficit, the cost of living hit a new high last month and the dollar dropped lower. And the enemy watching from across the water grinned and rubbed his hands. He has said all along that we would spend our-

selves into bankruptcy and we would drop into his lap like an overripe apple.

We are no longer on our way to being the richest country in the world. We are growing steadily poorer every year—just as any family grows steadily poorer by spending more than it makes year after year.

We must realize that we are now in competition with a new force, a reconstituted nation, a renaissance society, with unlimited manpower and deadly intent. They are closing in on us with both military power and evolutionary economic development. We cannot afford to rest

on our laurels. We cannot further handicap ourselves with debt. We cannot ignore the demands of the times. Complacency is the road to hell.

Mr. Speaker, this is the last day of the fiscal year. Appropriations are terminated tonight. Pending enactment of the supply bills for the next fiscal year provision must be made today for continued operation of the Government.

For that purpose I have submitted the continuing resolution just read from the desk. It is the stereotyped form used year after year and is in substance the same resolution enacted last year and the year before. It provides for minimum expenditures to keep the departments operating pending the enactment of the bills itemized in the tabulation above.

I submit the resolution for the consideration of the House.

Mr. TABER. Mr. Speaker, the House of Representatives has so far a great deal better record of keeping expenditures down than the other body. But I want to warn that in the days to come we are going to have a lot of pressure put upon us to raise bills that we have already sent to the Senate and that are yet to go to the Senate, and to raise them above not only the budget but for all sorts of reasons.

Frankly, the United States is in a position where she can be in a lot of trouble. If we had not passed the bill raising the debt limit the deluge would have been on us by this time. If we fail to meet the situation that this country is facing in the next month or so and in this Congress and in the next Congress we do not get to the point where the United States is spending only what it absolutely has to spend, we are going to be in very bad shape and we are going to have more and more inflation instead of less. I think it is about time for us to meet our responsibilities and to keep down the expenses of the Federal Government.

We must meet our responsibility. If the Congress does not meet its responsibility and keep things in hand, the only possible result is uncontrolled inflation, which means a dictator.

Let us not get into that kind of a situation. Let us maintain the liberties which have been handed down to us and that are so precious to all Americans.

The SPEAKER. The question is on suspending the rules and passing House Joint Resolution 439.

The question was taken; and, two-thirds having voted in favor thereof, the House joint resolution was passed.

OBSERVANCE OF LEGAL HOLIDAYS BY FEDERAL EMPLOYEES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 294.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes. After

general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, House Resolution 294 makes in order the consideration of H.R. 5752 relating to the observance of legal holidays by Federal employees. The resolution provides for an open rule and 1 hour of debate.

The purpose of this legislation is to correct inequities in the existing law and regulations which deprive certain Federal employees of the right to be excused from duty on a workday for each of the 8 legal holidays provided by law for Federal employees, while many of their fellow workers are afforded such opportunity for each of the 8 legal holidays every year. This bill, as reported by the Post Office and Civil Service Committee, will insure equal treatment for all Federal employees with respect to the observance of the usual 8 legal holidays in every year, regardless of the day of the week on which any such holiday may fall.

It does not establish any new or additional legal holidays but merely closes a gap in the law which has continued largely due to oversight and has been brought to special attention because, under existing law, hundreds of thousands of Federal employees will receive only 6 days off to observe legal holidays in 1959 instead of the 8 legal holidays provided them by law. Two of these legal holidays, Memorial Day and Independence Day, fall on Saturdays during 1959. Similar loss of holiday time off will recur in later years from time to time by reason of the calendar days on which certain holidays happen to fall in such years. In short, the loss of holidays may be said to be due to accident of the calendar which was not taken into consideration when the Congress laid down the policy of 8 legal holidays each year for Federal employees.

This legislation would take effect on July 1, 1959.

So that our Federal employees will not be deprived of the legal holidays to which they are entitled, I urge the adoption of this resolution.

Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I am opposed to this rule and to the bill as well. I think it is ridiculous even to consider it. In my opinion, the Federal workers are not in bad shape. They get good salaries, have generous sick leave and generous vacations, and I think they are much better off than are most of the people at home not working for the Government. I have in mind the people

working in stores, in the mines, in the mills, and in the factories. I think the Federal workers are in much better shape than 90 percent of the people, I restate, that work in our stores, in the shops, in the mines, in the mills, and in the factories. So, I am hoping that this rule is voted down and that the bill is defeated.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Illinois.

Mr. MASON. I want to join the gentleman in the very thoughts that he has expressed, because I think he is absolutely correct.

Mr. ALLEN. I thank the gentleman. I think it is about time we tightened our belts.

Mr. MADDEN. Mr. Speaker, I yield 8 minutes to the gentleman from Georgia [Mr. DAVIS].

(Mr. DAVIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Georgia. Mr. Speaker, I am somewhat at a loss to understand some of the contradictory positions that seem to be taken on the part of some people regarding this bill. It seems to me that the propriety and the merits of this proposal, insofar as the administration is concerned, have already been passed upon and settled by the action of the President in issuing a directive doing exactly what this bill provides insofar as next Saturday, the Fourth of July, is concerned.

Now, there were two of these Saturday holidays this year. One of them fell on the 30th day of May, I believe. That has already passed and is not involved in this legislation. The only other Saturday holiday in this year is the Fourth of July, and that has already been taken care of by an Executive order. If there is any lack of propriety, if there is any reason why this principle should not be enacted into law or should not be followed, why then did the President of the United States in his Executive order provide that the holiday for the Fourth of July this year should fall on Friday? So it seems to me that insofar as the executive department is concerned the propriety and the merit and the justice of the proposal embodied in this bill have already been considered and passed upon favorably by the White House. So if the principle is good, then what objection could there be to enacting it into law?

Since my first session in the Congress, a good many years ago, I have been closely associated with our Federal employees and have had the opportunity of becoming rather thoroughly acquainted with their problems and grievances. I have found that inequality of treatment is a factor which, as much as any other, causes complaints and lowered morale. One of the areas of inequality of treatment is that accorded the Federal employee in regard to the eight legal national holidays.

Under present law, some of our Federal employees already enjoy this provision, enjoy full holiday privileges for national holidays which fall on Saturday. I point to the 32,000 rural letter carriers who have a 6-day workweek and

all other Federal employees who work a 6-day week already have this privilege which we are seeking in this legislation to give to all Federal employees. Yet although some of them already have this privilege, a much larger group fail to receive any recognition for such holidays.

The provisions of the bill, H.R. 5752, will insure equal treatment for all Federal employees in respect to the observance of the eight legal national holidays in every year regardless of the day of the week upon which such holiday may fall. I call your attention to the table which is printed on page 10 of the committee report which shows all of these Saturday holidays from the year 1960 for the next 40 years running through the year 1999. You will find that there are only 35 of these Saturday holidays which will occur in the next 40 years.

There are some who say that the issuance of the Executive order establishing July 3 of this year as an administrative holiday is sufficient to take care of the situation. I do not agree with that. That is not the case. While this Executive order does recognize next Friday as an administrative holiday in lieu of Saturday, July 4, it does not offer the employee the full benefits established by law for the legal holidays which fall on days other than Saturdays. It denies a large number of employees any true recognition of holiday work when they must work on Friday, July 3. I fully recognize that the administration was acting in good faith and in compliance with the general policy of saving money wherever possible in issuing this Executive order, but they fail to recognize the principal purposes, in that equality of treatment is not provided.

Opposition to the enactment of H.R. 5752 has been based on three factors: costs, the setting of a precedent, and the loss of service to the public.

Insofar as costs are concerned, the provisions of the Executive order and the provisions of this bill would result in approximately the same ultimate cost for July 3 of this year. I feel that insofar as future costs are concerned, these can very well be absorbed. I repeat, they can very well be absorbed without additional appropriations being necessary if proper planning and coordination are exercised on the part of departments and agencies and if the appropriate committees of Congress remain cognizant of any attempt to increase appropriations and demand that the work of the agencies be so adjusted as to make absorption completely possible and feasible.

I repeat, the extra cost can be absorbed without any additional appropriation. From my work with the Manpower Subcommittee over the past 6 years, I am definitely of the belief that there is a leeway in present appropriations for personal services which can more than absorb the extremely minor cost involved in this bill.

Insofar as the setting of a precedent is concerned, such a precedent has already been set in cases where Executive orders have been issued when Christmas falls on Saturday. Also, in a large portion of the wage agreements existing in private industry, recognition is given

to full benefit payments for a fixed number of legal holidays. This practice in industry is not new. It has existed for a number of years. It probably will continue to expand until all organized labor in private industry will be accorded the benefit of the legal holidays regardless of what action we take on this bill. I feel that it is no more than fair that the Government recognize this trend and place its employees on an equal basis with those of industry.

We all recognize that there are certain Federal services to the public which must be continued regardless of the day of the week on which a holiday falls. Neither H.R. 5752 nor the Executive order requires that the Government offices be closed on the Friday in question where service to the public or the Nation's interests is a prime consideration. Postal deliveries and the collection and distribution of mail will be continued under either the Executive order or the provisions of H.R. 5752. Other essential services such as guards, firefighters, and so forth, will also be maintained on these days. I can see absolutely no justification for objecting to the enactment of this bill on this basis.

Now, let us look at the future. In the 40 years remaining in this century there are only 35 instances in which one of the national holidays falls on a Saturday. In the next 9 years there are only eight such instances. In no case do more than two of these holidays fall on a Saturday in a single fiscal year, although there are 2 calendar years, 1963 and 1992 in which there are three such holidays. Over the next 40 years more than a third of the years have no holidays falling on Saturday. This same ratio holds true insofar as the next 10 fiscal years are concerned. Even if some minor cost is involved, in light of the so very few instances where the law would be effective, this cost is immaterial when balanced against the improved morale and working conditions which I feel will result from its enactment.

The statement has been made that the enactment of this law will be merely a foot in the door for other employee benefits. I cannot see the validity of this argument in any way, as the provisions of H.R. 5752 create no new rights but only equalize rights that already exist under present law. The granting of a holiday on the preceding Friday when one of the national holidays falls on a Saturday has no connection whatever with other employee benefits and I cannot see, through any stretch of imagination, where it could be used as a wedge or a precedent in the requesting or granting of other benefits.

I urge the adoption of this rule, and favorable consideration of the provisions of H.R. 5752 and state that I believe it is fully justified as a measure which will give to the Federal employees recognition equal to that given to employees by private industry. It will also eliminate present inequities and result in a higher morale without additional cost, provided that good care and judgment are used by the departments and agencies in the planning and scheduling of work.

The following table shows the Saturday holidays during the next 9 years:

<i>Saturday holidays in the next 9 fiscal years</i>	
Fiscal year:	Saturday holidays
1960-----	July 4, 1959.
1961-----	None.
1962-----	November 11, 1961.
1963-----	None.
1964-----	February 22, 1964; May 30, 1964.
1965-----	July 4, 1964.
1966-----	December 25, 1965; January 1, 1966.
1967-----	None.
1968-----	November 11, 1967.

(Mr. DAVIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. JOHANSEN].

(Mr. JOHANSEN asked and was given permission to revise and extend his remarks.)

Mr. JOHANSEN. Mr. Speaker, I cannot imagine a legislative situation offering more reasons for voting down the rule than we have here today. Let us look at this picture. It is a sort of comedy of contradictions, concessions and confusion. Here you have a bill, this so-called holiday bill, which was voted out by the Committee on Post Office and Civil Service, of which I am a member, with only one opposing vote on a rollcall and that vote, by the way, was mine. The sponsors of this bill were the distinguished chairman and the ranking minority member of the committee. Today I understand both of these original sponsors will, for abundantly good reasons, indicate that they favor the defeat of this rule.

Originally, it was argued that speedy action on the bill was of the utmost importance in order to give Federal employees Friday off with holiday benefits before the Saturday holidays on Memorial Day and the Fourth of July. Later on, the idea of the Friday holiday for Memorial Day was dropped because Congress would have had to vote extra funds for fiscal year 1959 to pay the costs of the overtime.

Then on June 12, the President issued an Executive order providing a 3-day long weekend, without loss of pay, for most Federal employees for the Fourth of July with later compensatory time off for those employees required to work on Friday. I must say with respect to the remarks made by my very esteemed friend, the gentleman from Georgia [Mr. DAVIS], that the provisions of the Executive order are by no means identical with the provisions of this bill. For one thing, they do not designate Friday as a holiday, but as an excused day which the classified employees required to work are not paid double time but would receive later compensatory time off.

Mr. Speaker, all of my colleagues know that with no action to date in the other body and with the administration's opposition to this bill—everyone knows that this bill is not going to become a law before Friday of this week. Moreover, there will be only one other Saturday holiday in the next 4 years and that is Veterans' Day on November 11, 1961.

Therefore, the urgency factor has completely disappeared from this picture.

There are some other strange and very serious contradictions in connection with the long term permanent features of this bill. While this purports to be a holiday bill, it completely ducks and evades the issue of whether a Friday before a Saturday holiday is to be a true and complete holiday in the sense that Federal offices are to be closed to public business.

The bill introduced in the other body, S. 909, includes this provision for a Friday shutdown of Government offices. The House has held no hearings whatsoever on this feature which could very well end up as a part of this legislation.

The truth of the matter is, as the record of our committee hearings will show, that our committee was told categorically that this legislation would not involve or include a shutdown of public offices on a Friday holiday before a Saturday holiday.

Here is another point that has not been mentioned thus far in the debate: This bill has been touted as a mere Saturday holiday bill. It is much more than that. This bill provides sweeping, costly, and permanent changes in holiday policies and holiday pay provisions for Federal employees, and it has costly effects with respect to every legal public holiday, every legal public holiday every year, and not merely those falling on a Saturday.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ALLEN. Mr. Speaker, I yield the gentleman 3 additional minutes.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3 additional minutes.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. JOHANSEN. I yield.

Mr. ALLEN. I wish to compliment the gentleman on the logical statement he is making on this subject today. I would ask him just this one question: Is it not a fact that the great majority of workers in the gentleman's district outside of the Government do not receive pay for a holiday unless they work? This bill would not only pay for holidays but give them an extra day. Is that not so?

Mr. JOHANSEN. This bill would apply to every holiday. I would pay them for the extra holidays this will cover. With respect to the practice in private industry I will have something to say about that in a moment.

Specifically, the bill provides that whenever any legal public holiday falls on an employee's regular nonwork day, that is, whenever any holiday falls on his day off, his last regular workday prior to that holiday shall be a holiday for the purposes of his pay benefits. That is, this bill would create a whole flock of private, floating holidays wandering all over the calendar for some 250,000 to 300,000 Federal employees whose work week is other than Monday through Friday.

I think we had better give more consideration to this sweeping proposal than is possible here today in only 60 minutes of general debate.

Incidentally, Mr. James A. Campbell, national president of the American Federation of Government Employees, has stated that the union's effort in support of this bill is "simply a manifestation of the trend in our economy in the direction of shorter working time."

Whatever may be the merits of this alleged trend in our economy, its application to Federal employment—and its implication for higher costs to the taxpayer or reduced service to the public—are such that the subject ought to be given a great deal more study before we set our foot in that path.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. JOHANSEN. I yield.

Mr. CORBETT. Is it not true that under the Executive order of 1952 holidays falling on a weekday which is an administrative Sunday, they give the worker a day off?

Mr. JOHANSEN. If it falls on a Sunday, the day following, Monday, is given off, of course, because under the law and under Executive orders that Monday is itself a full holiday with closed operations in the Government.

Mr. CORBETT. That is not my point. My point is that when a man's day off is something other than Sunday, say on a Tuesday or a Wednesday, that that is regarded as his Sunday; that when a holiday falls on that day he is presently excused the day following?

Mr. JOHANSEN. Oh, no; only in the case of Sunday.

I cannot yield further.

Mr. CORBETT. I would just like to clear this point up because the gentleman will find that under this Executive order this bill proposes to do the same thing for Saturdays as the Executive order does for Sundays.

Mr. JOHANSEN. That bill H.R. 5752 which the gentleman is describing deals with holidays that fall on any day.

Now let me mention one final and very serious contradiction in this whole picture.

It is argued that this legislation is justified because the pattern of such holiday provisions is being set in some collective bargaining agreements negotiated in private enterprise.

Yet when I have pointed out that by the same logic we should expect to soon be paying Federal employees triple time for holiday work and providing Federal employees with holidays on their birthdays, this warning has been pooh-poohed as too ridiculous to be given serious consideration.

Yet, Mr. Speaker, the pattern of just such further holiday and fringe benefits has already been established in some collective bargaining agreements in private industry. There is a great deal more involved in this legislation and in the effort to put it through today than first appears to the incautious eye.

Mr. Speaker, I hope this rule will be defeated, and with respect to the remark of my very good and valued friend, the gentleman from Georgia [Mr. DAVIS], that this cost can be absorbed, may I make the observation that the sponge is already pretty full of these absorbed costs.

Again I urge the defeat of this rule.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Speaker, I am greatly amazed that there is any controversy here today in view of the fact that this bill was reported out of the Committee on the Post Office and Civil Service by a vote of 19 to 1. Before the Committee on Rules there appeared the gentleman from Tennessee [Mr. MURRAY], chairman of the committee, and the ranking minority member of that committee, the gentleman from Kansas [Mr. REES]. Both of these gentlemen gave sound, convincing argument as to why this bill should be enacted into law.

When the bill before us, H.R. 5752, was being considered by our Rules Committee, I was greatly impressed by the merit of its objective. So much so, I was happy to offer the motion to report out the bill.

I continue to favor the legislation. I trust that a sufficient number of my colleagues will join me today in voting for its passage.

The purpose of H.R. 5752 is merely to guarantee Federal employees the full measure of holiday leave now authorized without charge to regular annual leave or loss of pay. In that respect it represents a test of our sincerity in previously authorizing eight national legal holidays each year for our hard-working, faithful Government workers.

The purpose of the bill will be accomplished by authorizing the observance of holidays falling on Saturday on the preceding day. This does not mean that we are authorizing the establishment of a new holiday; what it does mean is that we are reiterating and emphasizing the original intent of Congress in approving eight holidays each and every year, regardless of the calendar day on which they occur.

A solid precedent exists for this proposal. Whenever a holiday falls on Sunday, it is moved forward and observed on the succeeding day. Thus is kept intact the congressional intent of granting Government personnel 8 days—or a total of 64 hours—holiday leave each year.

As everyone is aware, two holidays this year are scheduled to fall on Saturday. One, Memorial Day, May 30, has gone by; the other will occur this weekend when we observe the signing of our Declaration of Independence on July 4.

No provision was made by law or presidential Executive order to provide for an alternate day on which to observe Memorial Day. As a result, 1 day—or 8 hours of holiday leave—was automatically forfeited by Federal employees.

However, temporary provision has been made so as not to deny employees their July 4 holiday. I want to point out, however, that it is a one-shot provision. It provides an accommodation only for that single holiday. It is neither retroactive to cover the May 30 holiday, nor does it provide for any future holiday scheduled to occur on Saturday.

On June 12, President Eisenhower issued an Executive order excusing cer-

tain Federal employees from duty all day, Friday, July 3—a nonworkday for most workers—in order to properly observe the anniversary of the signing of our Declaration of Independence. Those employees required by law of special circumstances to perform duty on Friday, July 3, will be given a day off at some other time during the year.

I was very happy to learn of that Executive order. Not only does it prevent the second denial of a holiday this year to employees, it also represents recognition of the intent of H.R. 5752. It is, in my opinion, a frank admission by the White House and administration that Federal employees are on solid ground in asking for an alternate day on which to observe any holiday occurring on Saturday. As I have pointed out, provision is made for the Monday observance of holidays falling on Sunday. I can, therefore, see no logical reason for denying the benefits of the bill before us.

Had the President's June 12 Executive order, relating exclusively to the observance of July 4 this year, gone one step farther, I believe our Government workers generally would be less apprehensive. Had the President made his order applicable to all holidays falling on Saturday, there would be some substance to the suggestion that statutory expression by Congress is unnecessary at this time.

But I want to emphasize that the only holiday affected by the June 12 Executive order is July 4 this year. While I do not wish to prejudge the actions of future occupants of the White House in instances where a similar Saturday-holiday situation will occur, is it not perfectly reasonable for employees to wonder what will happen in 1964, for example, when three holidays will occur on Saturday? Will whoever is occupying the White House in 1964 issue suitable orders to enable employees to observe Washington's Birthday, Memorial Day and July 4 on alternate dates? All three holidays fall on Saturday in 1964.

To my friends and colleagues who are presently inclined to oppose H.R. 5752 on the basis of the Executive order covering only July 4 this year, I want to say that if they can categorically assure me here and now that similar provision will be made for the three holidays mentioned for 1964, then I will support their position.

However, in the absence of that positive assurance, I am constrained to push for the enactment of statutory language to remove the speculation surrounding this area. In so doing, I firmly believe that we will be treating employees fairly and equitably and, equally important, we will be saying in effect, that we mean precisely what we say when we authorize Federal personnel eight national legal holidays each and every year.

In this connection, it is my observation that more and more agreements reached through collective bargaining in private industry provide for a specific number of holidays. The total number mutually agreed to is thereafter honored by management, regardless of the calendar day on which the holidays might occur.

I earnestly recommend the approval of this legislation.

Mr. ALLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks and also to speak in part out of order.)

Mr. HOFFMAN of Michigan. Mr. Speaker, to one who was not concerned about the future of our country, the present would be a rather amusing situation. There is not a Member of this House who is not aware of the fact that we are on dangerous ground because of our excessive spending, and we do not do anything about it except continue the excessive expenditures. Have we the slightest concern about our Nation's future? Apparently not.

Then we have Mr. Hoffa thumbing his nose at a Senate committee and the Congress. But more of that later.

The gentleman from Massachusetts refused to yield, and he characterized my associate from the Third District of Michigan, a most excellent Congressman, by calling him a "name dropper" because he mentioned Hoffa and he could not see why that had anything to do with this bill.

One of the worst features of this bill is that it sets a precedent. If, when Members go back to their offices and read the labor paper that came in this morning, the July 2 issue of the Machinist, you will find an editorial which reads:

MORE

There's one basic trouble with these union-won vacations. They're too short. Too short, for all the rest we need; too short, for all the fun we'd like; too short, to take up the slack in employment caused by ever increasing productivity.

Dr. Sawyer, elsewhere on this page, hammers away at the importance of having a good vacation. In this column, we would like to call attention to the importance of lengthening our paid vacations—not only for our personal well-being but also for the prosperity of our Nation.

Nowhere is the importance of lengthening the paid vacation better illustrated than in the negotiations just started on the railroads. There, our research department estimates, 5,000 jobs can be restored to railroad workers by lengthening the paid vacations.

There are those, of course, who will cry "featherbedding," who will charge that the unions are asking for pay for work not performed. Those will be the same organizations and the same publications who cried out against the 40-hour week, against the 8-hour day, against the 5-day week and against every benefit we've won through our unions over the past half-century and more.

If these so-called conservatives had governed the world, we'd still be living in serfdom, still working as our forefathers did as indentured servants, chattels of the lord of the manor.

Every forward step the world has taken has been the result of some strenuous pushing by men and women with the courage of their convictions, men and women who are not frightened by sanctimonious words from those who want no changes as long as they are making theirs.

Let's keep pushing in negotiations for another week's vacation.

Pass this bill and labor will ask not for an extra holiday but for an additional week's vacation and cite the position and the argument of one of their

doctors that in order to perform their work properly the workers should have not 2 weeks but 3. So, there is no end to our demands as there is no end to our appropriations. When and where will the demand end?

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Since the gentleman has mentioned 3 weeks instead of 2, the Federal employees already have that, and I presume they will be asking for some more.

Mr. HOFFMAN of Michigan. Sure. Vacations are necessary but we should all remember they cost something. It is one of the characteristics of our people, to want more and more and it is a good one, too, in a way, if it was not so excessively used, to ask for more and more when the money is not at hand. And, I see right in front of me my good friend the gentleman from Texas [Mr. POAGE]. I remember when he was in here advocating for—what was it?—aid for the fellows that had the trouble down there in Texas because of drought—no rain, and before we could get the checks in to pay for the damage we were asked for funds because the land was flooded. Or was it the other way around? Well, it is all right, to strive for betterment of every kind but there is a limit to paid vacations and we must somewhere begin to quit spending more than the taxpayers can kick in.

Now, speaking out of order, as long as Hoffa was mentioned, I am delighted to talk a minute or two about Hoffa.

HOFFA THUMBS HIS NOSE

James R. Hoffa, with a record of at least two criminal convictions, one for conspiracy to violate a Federal law and once for extortion back of him, sits in his marble palace a little west and north of the Senate Office Building and the Capitol and, speaking figuratively if not actually, thumbs his nose at the McClellan committee and the U.S. Senate.

The McClellan committee has placed on the record a long, long list of illegal actions by Jimmy and his aides, many of whom are exconvicts.

Long, long ago Hoffa was told by the committee to clean up the union he heads and its locals.

Apparently toward that end, he hired a former U.S. Senator, and the press yesterday stated that the Senator said he had earned the \$37,125, together with \$21,511 expense money, paid him by the union during 9 months he was on the job. But last week, in easily understood language, Hoffa told the Senate committee and its counsel that he would start cleaning up the union when—again speaking figuratively—he got good and ready.

If one speculates as to the reasons for Hoffa's power, his immunity from criminal prosecution, attention might be called to the fact that Hoffa has the admirable characteristic of standing by his friends. Just as one high in office refused to turn his back on Hiss, so Hoffa supports his lieutenants, apparently regardless of the propriety of their actions.

Recently testimony of Mr. Claude E. Davis, president of the Barnett National

Bank, of Cocoa, Fla., was that he had been offered a deposit of \$1 million—without interest—if the bank would make a loan to Benjamin Dranow for the development of the Sun Valley project in Florida. Dranow took the fifth amendment in 1958, the testimony disclosed, and the development was one in which the funds of union members were to be invested.

Other testimony showed that Mr. Dranow had acted as middleman in procuring jackets for Teamsters' members, which were purchased through the use of union funds at \$12.75 to \$13.75 each. There was testimony before the committee that the jackets could have been furnished for \$10.50 each, if bids had been taken. This deal cost the Teamsters Union funds \$52,000. Of course, had the project gone through and the Teamsters all purchased, the deal would have called for \$20,400,000 and, at a 5-percent commission, Buddy Dranow's take would have amounted to \$1,020,000; but, if you wish a play-by-play account of this deal, read the story of Columnist Edward T. Folliard in a morning paper:

NONUNION JACKETS RACKET TIED TO HOFFA PAL AT PROBE

(By Edward T. Folliard)

A blue-and-gold jacket, with yellow leather sleeves and a Teamster Union emblem on the breast, was introduced as evidence before the Senate Rackets Committee yesterday.

The idea was to show that Ben Dranow, a pal of Teamster President James R. Hoffa, hoped to get a rakeoff from manufacturers who would turn out similar jackets for all 1,600,000 members of the union.

What was most striking, however, was the fact that the jacket placed in evidence bore no union label. Senator BARRY GOLDWATER, Republican, of Arizona, a department store owner, discovered this when he examined the garment.

Carmine S. Bellino, chief investigator for the committee, testified that of the 26,495 jackets turned out for the Teamsters at a cost of \$341,841, about 8,000 or 9,000 had no union label.

SIX THOUSAND DOLLARS COMMISSIONS PAID

Dranow got commissions of about \$6,000 from the manufacturers with whom he placed contracts for the jackets, the production of which was stopped after the Rackets Committee began to inquire into Teamster affairs.

At that point, jackets had been supplied only to Hoffa's old local 299 in Detroit and local 337 in the same city.

Committee Counsel Robert F. Kennedy sought to show, and got some confirmation from witnesses, that Dranow hoped that all Teamster locals would supply the jackets to their members, with the manufacturers giving him a 5-percent commission.

The total cost in that case, at the rate of \$12.75 per jacket, would have been \$20,400,000. And a 5 percent commission for Dranow would have amounted to \$1,020,000.

LAND SCHEME DISCUSSED

Dranow's name kept popping up in the testimony throughout yesterday's sessions, first in the morning when the committee again inquired into the Sun Valley land promotion scheme in Florida.

The scheme was launched by Henry Lower, a one-time Teamster representative and a friend of Hoffa, who advertised it as "the Teamsters' model city of tomorrow." Hoffa had an option to buy 45 percent of the enterprise at cost, but eventually waived it.

Committee Counsel Kennedy said the Sun

Valley scheme was "a fraud on all the Teamster members and other lot buyers." It could have been a success, he said, but as matters stand the Teamsters who invested money in the project would not be able now to find the lots they bought.

Kennedy said that Lower embezzled money borrowed from banks for Sun Valley, used it to back another scheme in Michigan, and finally was arrested on narcotics charges.

Then, it was brought out, Dranow took over the Sun Valley project.

LOAN DEAL REJECTED

Claude Davis, president of a bank in Cocoa, Fla., told the committee that Dranow, although not a member of the Teamsters, offered to have \$1 million in Teamster funds deposited in his bank if loans were made for the development of Sun Valley.

Davis said that he declined the offer after checking out the men Dranow gave as references. Asked by Senator JOHN MCCLELLAN, Democrat, Arkansas, chairman of the committee, why he turned it down, Davis replied: "Let's say I had a hunch."

S. George Burris, a New York certified accountant, told the committee that as president of the Union Land & Home Co., he had served as a "front" for Dranow in taking over all the stock of the Sun Valley project.

It was brought out that Burris had obtained a loan of \$735,000 from the Teamsters pension fund to buy the Prudential Building in Buffalo, N. Y., and another \$1,400,000 loan from the same fund for a real estate project in Fullerton, Calif.

BOOKS NOT AUDITED

When Burris testified that there had been no audit of the books in connection with the Sun Valley corporation and that directors meetings were conducted through the mails, Senator GOLDWATER remarked:

"A mighty funny corporation; and I don't mean funny, ha, ha."

MISHANDLING CHARGED

Irving Blum, of New York, a land developer in Florida, told the committee that Sun Valley was a valuable piece of property but had been "mishandled." He said it had no roads nor improvements of any kind.

The 1,700 or so people who bought lots in Sun Valley, Blum said, wouldn't know today where their lots were.

"Someone," he said, "got away with some funds."

The committee plans today to call Abe Gordon, boss of Teamster Local 805, of New York City, an associate of John (Johnny Dio) Dioguardi, notorious racketeer. It also will begin an inquiry into an alleged plot to smuggle arms to Fulgencio Batista, former president of Cuba, now in exile in the Dominican Republic.

You see my argument? Here are the Federal employees. The carrier's job is no good, the rural carrier's job is no good. I have been told that time and time again. But, every time there is a vacancy in that job, in my district, at least, I am flooded with requests and there is a fight on for that job.

Yes, Hoffa takes care of his friends and, apparently, as is indicated by the delay in the enactment of reasonable, effective labor legislation demanded by the people, Hoffa's friends take care of him and his buddies, even though they be crooks.

Mr. MADDEN. Mr. Speaker, I yield 8 minutes to the gentleman from Tennessee [Mr. MURRAY].

(Mr. MURRAY asked and was given permission to revise and extend his remarks.)

Mr. MURRAY. Mr. Speaker, I rise to oppose the adoption of this resolution, and I hope the rule will be voted down. I am asking you to reject the rule on a bill introduced by me, and I will tell you why I am now opposed to the bill. In my opinion, this legislation is no longer necessary in view of the action by the President when he issued an Executive order to excuse Federal employees from duty on Friday, July 3, or grant compensatory time to those required to work that day.

The Executive order was issued on June 12. In a sense, it is a matter of my keeping faith with the President, since he issued the Executive order at the joint request of the gentleman from Kansas [Mr. REES] and myself as chairman.

I introduced H.R. 5752. After it was reported from the committee, I requested the Committee on Rules to grant a hearing, and I appeared at the hearing before the Committee on Rules on May 25 to request a rule. Following the hearing on that date I learned that no member of the Committee on Rules would even make a motion to report the bill favorably. I see several members of the Committee on Rules here and I will ask them to challenge that statement, if they wish.

Under the circumstances, it appeared to me and to the gentleman from Kansas [Mr. REES] that the rule was as dead as Hector.

The gentleman from Kansas [Mr. REES] and I then decided to request the President to sign an Executive order to provide insofar as possible that Federal employees be given a day off on Friday, July 3, or compensatory time for those who are required to work for necessary reasons stated in the order since July 4 falls on Saturday which was subsequently issued. Thereafter, I considered the application for a rule dead. I then addressed a communication to Mr. Rocco Siciliano, Special Assistant to the President for Personnel Management, at the White House, on May 28, 1959, requesting that an Executive order be issued by the President giving employees the day off on Friday, July 3, the day before, and for those who had to work on Friday, July 3, that they be given off another day as compensatory time. This is the letter sent to Mr. Rocco Siciliano, Special Assistant to the President for Personnel Management:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON POST-OFFICE
AND CIVIL SERVICE,
Washington, D.C., May 28, 1959.

Hon. Rocco C. SICILIANO,
Special Assistant to the President for Personnel Management, The White House,
Washington, D.C.

DEAR MR. SICILIANO: The Committee on Post Offices and Civil Service of the House has reported H.R. 5752 to the House with a substantial majority. This bill, in principle, would grant a holiday on the preceding Friday at such time as any of the national holidays fall on Saturday. In reporting this bill, the committee established an effective date as of July 1, 1959, so as to eliminate the possibility of a requirement for a supplemental appropriation to take care of a holiday which falls on the 30th of May of this fiscal year.

National holidays fall on Saturday twice in this calendar year. One of these holidays is Memorial Day which will occur this weekend. The only holiday which this legislation will affect, however, is July 4. The observance of July 4 as a holiday ranks so high in the minds of the American people that we can hardly believe there would be objection to its observance by the Federal employees on the preceding Friday. A holiday falls on Saturday only once in the following 4 years, that is, on Veterans Day in 1961.

We have had a hearing before the Committee on Rules requesting a rule in order to schedule this legislation for action by the House. However, it has still to be acted on by the House and Senate. We are now within a few weeks of the July 4 weekend. Before action can be completed, it could well be nearly the day itself. It is our feeling that departments and agencies should have as much time as possible to plan in order to schedule their work properly. Therefore, we are requesting that the administration consider handling this matter of the 4th of July in an Executive order at an early date.

Thanking you in advance for your consideration in this matter, we remain

Sincerely yours,

TOM MURRAY,

Chairman.

EDWARD H. REES,

Ranking Minority Member.

I see no occasion or necessity for this legislation at this time since the Executive order giving the holiday to the employees because July 4 falls on a Saturday. I feel that in the future this matter should be handled by Executive order. There is not another holiday but one during the next 4 years and we do not know what conditions may be at that time. Why should not this matter be handled by Executive order in the future?

At the present time, when Christmas falls on Sunday, by Executive order the employees are given off Monday. I hope this rule will be voted down.

I was surprised when I learned that the Rules Committee voted out this rule on June 10 after not a single member of the committee on May 25 would offer a motion to vote the rule out. During that time the gentleman from Kansas [Mr. REES] and I were working with the White House on the Executive order. It takes considerable time to prepare an Executive order of this nature. The Executive order was issued on June 12. And yet, to my surprise and without my knowledge I learned that the Rules Committee, voted out this rule by a vote of 5 to 4. Why, this rule did not even receive a majority vote of the entire membership of the Rules Committee. I challenge any member of the Rules Committee to contradict that statement.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. I yield.

Mr. O'NEILL. I cannot divulge what happened in executive session, but I am amazed that the gentleman is so familiar with what did happen in executive session.

Mr. MURRAY. I am asking the gentleman to contradict my statement, if he will.

Mr. O'NEILL. I have always regarded as confidential what takes place in any executive session at which I am present. But let me say this to the gentleman. As far as the resolution being ultimately

reported by a vote of 5 to 4, I was the one who made the motion. I probably could have made the motion earlier, but I did not because certainly, one does not want to make a motion if he does not know that he is going to prevail. When I was aware that I was not going to prevail, I did not make the motion. But the resolution finally came out of the committee by a vote of 5 to 4. I believe that the bill was reported out of the gentleman's committee by a vote of 19 to 1.

Mr. MURRAY. That is correct.

Mr. O'NEILL. And the vote in the Committee on Rules was 5 to 4. But it came out of the gentleman's committee by a vote of 19 to 1. The gentleman filed the bill and the gentleman reported the bill.

Mr. MURRAY. I would like to ask the gentleman from Massachusetts [Mr. O'NEILL] whether he or any other member of the Committee on Rules made any effort to report the bill out after we appeared before the Committee on Rules on May 25.

Mr. O'NEILL. I have been in this business long enough to know that if I do not think that I have the vote, I do not make the motion. So the gentleman may rest assured that if the motion was not made on that day it was because I did not know the tenor of the committee. When I found out what the tenor of the committee was, when only 9 were present, that we could get a 5 to 4 vote, it was at that time that I made the motion.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. I yield.

Mr. MADDEN. I will say to the gentleman from Tennessee that I have not been in politics possibly as long as the gentleman from Massachusetts, but when I made my remarks a few moments ago in favor of this bill, had I been in politics longer I would not have paid the great tribute that I paid to the chairman of the Committee on Post Office and Civil Service who is now in the well of the House, for filing and sponsoring this bill because I was under the impression that the gentleman from Tennessee [Mr. MURRAY] was still in favor of the bill which he sponsored. Therefore, had I been in politics longer, I would have not paid him the great tribute that I did.

Mr. MURRAY. If the gentleman had been listening, he would have heard me say in the beginning of my statement that after the gentleman from Kansas [Mr. REES] and I appeared before the committee, there was not one single member of the Committee on Rules who was in favor of voting out a rule on the bill and thereupon the gentleman from Kansas [Mr. REES] and I got busy and asked the President to issue an Executive order providing that July 3 be a day off for the employees. Then while the Executive order was being issued, you reported this rule out.

Mr. MADDEN. Mr. Speaker, will the gentleman yield further?

Mr. MURRAY. I yield.

Mr. MADDEN. While I do not wish to reveal what happened in executive session of the Rules Committee, when the gentleman states that not one single member of the Committee on Rules was

in favor of reporting the bill out, the gentleman is mistaken.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. I cannot yield further, Mr. Speaker, I do not have the time.

Mr. Speaker, there is no occasion for this bill. Mark my word if this bill is approved by the House, it will never become a law because in my opinion it will not be approved by the President and neither the House nor the other body will override the President's veto. We are just wasting time here.

Mr. ALLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I rise in support of this legislation and hope the rule will be adopted. For this simple and clear legislation, there certainly has been a lot of confusion and misunderstanding. The misunderstanding is as to whether or not, by enacting this legislation, we will be giving something to the Federal employees other than that to which he is now entitled or whether by failing to enact this legislation we will prohibit something that they now think they have and enjoy. In fact, we have by legislation designated 8 days as holidays each year. True, we did designate certain specific days as holidays, but in practice it is generally assumed that all Federal employees would receive eight full holidays each year. That has been brought up time and time again when we have talked about other legislation for the benefit of Federal employees such as pay legislation, retirement benefits legislation, and leave benefits, and so on. Time and time again reference has been made to the fact that they do now receive eight days of holidays each year. In fact, even now under the present system, if a holiday falls on Sunday, they get Monday off. The gentleman from Georgia [Mr. DAVIS] made reference a while ago to the fact that employees working a 6-day week, if the holiday falls on Saturday, they get Saturday off. Those employees who work an odd work-week, say from Thursday through Monday, if the holiday falls on Wednesday, which would be one of their regular days off, they would then get Thursday off. So the primary purpose of this legislation is to make the holidays consistent and uniform for all employees and eliminate the confusion and inequities that now exist.

Mr. ALLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Speaker, I have only asked for a brief time to speak here today because the issue is so simple. This debate has been blown up out of all proportion. I think it can be narrowed down to just this. Presently, under the law employees are entitled to eight holidays per year. By accident of the calendar, some of those holidays fall on a Saturday and, therefore, the employees lose one or more holidays during that year. This is unfair, obviously.

Now the gentleman comes along and says this bill is going to cost a great deal. Let us examine what is happening presently. Because of a calendar accident the Government looks up and says:

"Here is where we can get one workday out of the employees for nothing." So the Government can occasionally pick up a day and have the employees work for nothing. I do not believe that was the intent of the 8-day holiday period. I think that here we have a question of whether or not we are going to give the employees eight holidays or whether we are going to take, if we can, a day out of their life and work them for nothing.

The other point raised by the gentleman from Michigan [Mr. JOHANSEN], was that there are provisions in this bill whereby there would be some floating holidays. That is only equitable. Certainly it is true right now under the Executive order of June 9, 1952, that an employee working an irregular week, a holiday falling on what is his day off, his administrative "Sunday," gets the next workday off. So this bill is exactly in line with and in accordance with the Executive order dealing with Sundays.

So I repeat to the Members that this is a minor bill. It involves nothing except equalizing the holiday time off for all employees instead of some of them being required to work extra days without proper compensation.

I think the rule should be adopted and the bill should be passed without further controversy.

Mr. ALLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I strongly favor the adoption of the rule and the passage of H.R. 5752, which provides fair and equal treatment for the 2 million postal workers and Federal employees. We in Congress in all justice can make sure by this legislation that we will provide each employee a day off to celebrate the eight legal holidays in each year as now provided by law. This will insure every Federal employee eight full holidays off, regardless of when the holiday falls.

There are those of us who have worked consistently for our good Federal employees and postal employees, to better their wages, hours, and working conditions and their retirement and disability benefits.

I would like to point out to the Members that this bill is a step forward in carrying out these policies and principles. We should vote for the rule and final passage of H.R. 5752.

I want to congratulate the President of the United States for taking care of this matter temporarily for the current July Fourth holiday under his Executive order of June 12, 1959, excusing most Federal employees from duty on Friday, July 3, 1959.

Mr. Speaker, I ask unanimous consent to include the Executive order at this point in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(The Executive order follows:)

EXECUTIVE ORDER EXCUSING CERTAIN FEDERAL EMPLOYEES FROM DUTY ALL DAY ON JULY 3, 1959

Whereas the Fourth of July, the anniversary of the signing of our Declaration of In-

dependence, is a day of deepest significance to our Nation; and

Whereas it is appropriate that we pause from our labors to mark the beginnings of our heritage of liberty and freedom; and

Whereas the anniversary of our Nation's birth this year falls on Saturday, a non-workday for many employees of the Federal Government, it is appropriate that those employees who do not regularly work on that day be given an alternate day in special observance of this anniversary:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) Except as provided in section 2, employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Government, whose basic workweek includes Friday, July 3, 1959, and who would ordinarily be excused from work on a holiday falling within their basic workweek, shall be excused from duty all day on Friday, July 3, 1959, the day preceding the Fourth of July; but such day shall not be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, or of any statutes so far as they relate to the compensation and leave of employees of the United States.

(b) Any employee of the several departments, establishments, and agencies mentioned in subsection (a), whose workday (as the term "workday" is defined in section 2(b) of Executive Order No. 10358 of June 9, 1952) covers portions of 2 calendar days including Friday, July 3, 1959, and who would ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall be excused from work on his entire workday which commences on July 2 or July 3, 1959, as may be determined by the head of the department, establishment, or agency concerned, or his designee.

SEC. 2. (a) This order shall not be construed as excusing from duty (i) those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty on July 3, 1959; or (ii) those employees whose absence from duty on July 3, 1959, would be inconsistent with the provisions of existing law.

(b) This order shall not apply to (i) any employee who receives holiday or premium pay or compensatory time in lieu thereof, for work performed on Saturday, July 4, 1959, or any part thereof, or (ii) any employee whose basic workweek includes Saturday, July 4, 1959, or any part thereof and who is excused from duty without loss of pay or leave on a workday which includes all or part of that day.

SEC. 3. Any employee mentioned in section 1 who would ordinarily be excused from work on a holiday, but who (i) is not excused from duty all day on Friday, July 3, 1959, or from duty on a workday which includes portions of that day, or (ii) whose basic workweek does not include July 3, 1959, or any portion thereof, shall be excused from duty, without charge to leave or loss of pay, on one other workday in the fiscal year 1960, at such time as may be requested by the employee and approved by the head of the department, agency, or establishment concerned or his designee.

SEC. 4. This order shall not be construed as providing a basis for granting holiday, premium, or overtime pay for Friday, July 3, 1959, or any portion of such day. Heads of the respective departments, agencies, and establishments are requested

to arrange their affairs in a manner which will permit them to excuse employees from duty on that day, or to grant compensatory time in lieu thereof, without the need for additional appropriations.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, June 12, 1959.

Mr. FULTON. I want to emphasize that we in Congress are simply making permanent by legislative action of the Congress what the President has provided currently in his Executive order of June 12, 1959.

I would say further to the chairman of the Committee on Post Office and Civil Service, who introduced this bill, Mr. MURRAY of Tennessee, that this is the same as the bill he introduced. There should be nothing in the legislative procedure history, if the principles contained in the bill are right, that should change his mind and cause him to withdraw his support for his own legislation, when the provisions of the bill have not been amended or changed in any particular. I would say that the Executive order of the President should be persuasive for the Chairman of the Post Office and Civil Service Committee and all of the members to support the bill, as the President has set the basic policy.

I therefore ask you to join with us in passing this rule, to consider and give full debate to H.R. 5752, and for the passage of this Federal employee holiday equalization legislation. I think we ought to have a record on just how we do stand on this legislation, so if nobody else asks for a record vote I will.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. FULTON. I yield to my good friend, the gentleman from Massachusetts [Mr. McCORMACK] the majority leader.

Mr. McCORMACK. As a matter of fact, the issuance of the Executive order is powerful evidence in support of the bill. The President recognized at that time that the bill could not get through before this July 4, and he stepped into the situation and issued the Executive order. It seems to me that is powerful evidence as to whether the bill should pass.

Mr. FULTON. I agree with the gentleman. A vote for this legislation will be a vote for the President's stand on this policy of equal treatment of United States employees as far as holidays are concerned.

Mr. ALLEN. Mr. Speaker, I yield the remainder of my time to the gentleman from Kansas [Mr. REES].

The SPEAKER. The gentleman from Kansas is recognized for 6½ minutes.

Mr. REES of Kansas. Mr. Speaker, I join the distinguished chairman of the Post Office and Civil Service Committee in opposing the adoption of House Resolution 294, to make in order the consideration of H.R. 5752.

Approval of House Resolution 294 is not necessary. The primary objective of H.R. 5752, to which the resolution is directed, already has been accomplished. This removes the need for legislative action.

The purpose of H.R. 5752, as reported by the Post Office and Civil Service Committee, was to obtain final approval of legislation in time to grant a day off for the observance of Independence Day this year on Friday, July 3, for all Federal employees who could be spare from duty without interference with essential services to the public. It was a matter of general agreement in the committee that final approval could not be obtained in time to grant a similar day off to observe Memorial Day on May 29, but that every effort should be made to obtain such approval in time to assure appropriate observance of July 4. In other words, for all practical purposes the immediate need for this legislation was based on the imminence of the July 4 Saturday-holiday without any provision for a day off to observe the holiday. It should be noted that only one other holiday will fall on a Saturday during the 5-year period from 1959 through 1963. This will occur on Veterans' Day in 1961.

When it appeared that a rule would not be granted on H.R. 5752, Chairman MURRAY and I interceded with the President and solicited his cooperation in order that the objective of H.R. 5752—that is, an opportunity for employees to observe Independence Day this year—might be accomplished by administrative action. As the chairman pointed out, he and I joined in a letter to the Special Assistant to the President. We had the enthusiastic support of several high employee leaders, and no evidence of objection. I certainly had the impression that they were not only willing, but happy, to rely upon Presidential action to resolve the problem—just as similar problems have been resolved by Executive orders from time to time in the past.

In just 2 days after the Executive order was issued the Rules Committee of the House approved the bill now before the House.

Let me remind you that the body at the other end of the Capitol has done nothing about this legislation at all, and here it is the 30th day of June 1959. The situation you are talking so much about this afternoon has been taken care of for the next 5 years, except for one date in 1961.

The right thing to do is to let this bill go back to the committee where Members may have a chance to reconsider and possibly improve if necessary. There will be plenty of time during which to consider this proposed legislation. I remind you again that we took care of the situation when the matter became imminent and handled it just as the Federal employees wanted us to do it.

We thought we were doing a good turn for those people who work for the Government. We have, we think, treated them fairly and more than fairly in getting this thing done the way we did. Some people think we have not done anything, but we think what we have done is right. We are not playing politics with this legislation. We know an organization made a big campaign here, and they have a right to do that, but we did the right thing.

Oh, no. You should not vote for this rule at the present time. Let the committee look at it again.

My position is pretty much as I expressed it in a public statement I made when the President acted favorably on our request to grant a 3-day holiday on the July 4 weekend this year. I said:

I am pleased to learn that the President has signed an Executive order to give Federal employees an opportunity for a 3-day holiday over the 4th of July weekend. The extra day will fall on Friday, July 3.

Although legislation has been approved by our committee and may be scheduled for action on the floor of the House, it would still have to be approved by the other body both in committee and by floor action, as well as to be signed by the President, before it becomes effective. There remains but 3 weeks for this action on a bill already delayed by opposition.

The granting of an extra day off for Federal employees this year when the Fourth of July falls on Saturday will solve, for all practical purposes, the need for this legislation since only one holiday will fall on Saturday in the next 5 years after July 4 of this year. This will occur on Veterans' Day in 1961.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. MORRISON].

(Mr. MORRISON asked and was given permission to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, I join with my distinguished colleague from Massachusetts in being absolutely amazed and astounded that there is any objection at all to this rule. When you look at this legislation you will see it is not hurried legislation, it is not anything that is being brought up here in an emergency like some would have you believe.

This bill was introduced by the chairman of our committee, Mr. TOM MURRAY, and by the ranking Republican member of our committee, Mr. ED REES, and by the distinguished member of our committee from Georgia [Mr. DAVIS]. The committee had full hearings and testimony on the bill. I was always impressed that the chairman of our great committee was enthusiastically for this bill since it bears his name. The bill was reported out of the committee as seldom bills are voted out because there was little, if any, opposition. Only one member opposed this on final passage by the committee. Then the sponsors of the bill went before the Rules Committee and asked for a rule. When they asked for a rule, the Rules Committee did just exactly what they asked for and gave them a rule. This rule is now before the House.

How inconsistent or consistent can we be? If you introduce a bill, as chairman of a committee, put it through the committee and with only one vote against it report it out and appear before the Rules Committee, why should not the rest of the Members of the House feel it is a good bill or at least that it should be debated and voted on by the entire membership?

Do you know actually that all this bill does is to do what the present law does

when holidays fall on Sunday. The present law is that when a holiday falls on Sunday, the employee is given Monday off. Now, if this Congress in its wisdom gives that right when a holiday falls on a Sunday, why should not this Congress be consistent and give the same right when a holiday falls on Saturday? So, when you consider the merits of it, if this House is going to be consistent, they will vote out the rule and they will certainly vote for this legislation. You pick up the paper, whether it be in Chicago or any other large city, and you will read where all of the State and city employees will get Friday off because the holiday, the Fourth of July, falls on Saturday. You see that happening in practically all of our cities and States. Now, why should the Federal employees of our great Government be discriminated against, being led to believe by the chairman of this committee and the Committee on Rules that they are going to get this holiday bill and then at the last minute have it snatched out from under them, because the proponent of the bill or the gentleman who introduced the bill, namely, the chairman, Mr. MURRAY has apparently changed his mind and has now turned against it? So, I say this: I think that the President of the United States showed great wisdom on this matter and he did just exactly what I think this body is going to do today. He issued an Executive order for this Saturday, July 4, because the Congress could not act soon enough to be effective this Saturday. This bill will take care of the situation where a holiday falls on a Saturday or on a Sunday in the future. So, why should not the Congress face up to its duty and why should not the Congress go ahead and vote out this bill and enact it into law? Why should we not go ahead and follow the President's leadership on this issue and go ahead and do in this bill what the President of the United States has done for this July 4?

The basic issue in this legislation unfortunately has tended to become obscured during the period that has elapsed since our committee reported the bill by an overwhelming majority. The issue is simply this: Are we or are we not going to continue our historic policy of equal treatment among various groups of Federal employees?

It always has been my strong personal conviction—and, I am sure, the conviction of the vast majority of the Members of this House—that wherever, through oversight or omission, the laws and regulations affecting Federal employee benefits are discriminatory in any material respect it is our duty to correct the discrimination. I think that this is an entirely sound and reasonable premise, particularly in an instance, such as that now before us, wherein continuance of existing preferences for some employees over others is bound to have an adverse effect on the Government as well as on many of its employees.

During my entire service in the Congress I have been closely associated with both legislative and executive programs

to strengthen personnel administration in the Government. During all of these years I have found that inequality of treatment is more destructive of employee morale than any other factor. This does not mean that there is any willful or conscious difference in attitude on the part of the individuals. It is simply a natural and unavoidable result of realizing that their efforts are not recognized or appreciated and that their employer, even though knowing of the unfairness, is acting in disregard of their interests.

The rule should be adopted, and H.R. 5752 should be passed, in all fairness to Federal employees. Only in this way can we insure equal treatment of all employees with respect to the observance of the usual 8 legal holidays in every year, regardless of the day of the week on which any such holiday may fall. Considerable numbers of employees now are assured of time off to observe each holiday, while many others do not have this assurance. Certainly the employees now holding the advantage do not want to deny equal treatment for their fellow workers. Every single major organization of Federal employees strongly endorses this legislation.

It is to be emphasized that H.R. 5752 grants no new or additional holiday. It does not provide any right, privilege, or benefit which is not already clearly intended for all employees under present law. It will interfere in no way with orderly and efficient operation of any department or agency, or with any service to the public.

The bill merely closes a gap brought to special attention because this year hundreds of thousands of Federal employees will not receive time off for each of the eight usual legal holidays prescribed by law. The employees already have lost their expected time off to observe Memorial Day through failure to enact legislation prior to May 30. They stand to lose many other opportunities to observe legal holidays in future years unless we act now.

It is no answer to say that deficiencies in present law can be corrected by executive or administrative order, such as the recent order granting a day off to observe Independence Day this year. This is a matter of legal and moral obligation of the Government to its employees, not a privilege to be granted or denied by administrative fiat to suit the whim or convenience of any group of executives. It is a matter of legislative policy, already determined in principle by the Congress many years ago, under which inequities have developed that surely would have been prevented had they been foreseen when the policy was established.

So far as concerns cost, it is minimal in comparison to the value of improved employee relations and is no more than a very small—but worthwhile—part of the normal cost of doing business. In fact, as pointed out at the hearings by the representative of a large postal employees' federation, with respect to postal employees the effect of the bill will be primarily a loss of savings which now accrue to the Post Office Department when a holiday falls on Saturday.

Large numbers of postal employees now work on Saturdays and receive compensatory time off for such work during the following week. But, when a holiday falls on Saturday, they do not work and the Department saves the cost of the usual compensatory time off. Under H.R. 5752, these employees would have Friday as a holiday and, if they worked on the Friday, would receive a compensatory day off the following week just as they now do when they work on a regular Saturday that is not a holiday.

Mr. Speaker, I urge the adoption of House Resolution 294, in order that we may proceed with legislation to take care of this problem once and for all.

(Mr. CORBETT asked and was given permission to extend his remarks at this point in the RECORD.)

[Mr. CORBETT'S remarks will appear hereafter in the Appendix.]

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLAND. Mr. Speaker, I rise in support of the rule and H.R. 5752, the bill that will grant to Federal employees compensation for holidays falling on Saturday.

The general impression has been that all Government employees are allowed 8 annual legal holidays per year, as is the general custom today in private industry. But this is not so if the holidays fall on Saturday. This occurs twice in 1959 because Memorial Day fell on a Saturday, and next Saturday is the Fourth of July.

Government employees who work a normal 5-day 40-hour week lose a holiday if it falls on Saturday. In private industry, employees are usually given the day off on Friday before the holiday, are given an extra day's pay for a Saturday holiday with no substitute day off, or are granted a substituted paid holiday designated by management.

Mr. Speaker, in fairness to our 2 million loyal and hard working Government employees, I think we should vote approval of this bill today. It is not very often that a holiday falls on Saturday, but when it does, this legislation would guarantee Government workers of the preceding Friday off.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. ALLEN. Mr. Speaker, I demand a division.

Mr. McCORMACK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 339, nays 42, not voting 51, as follows:

[Roll No. 105]

YEAS—339

Abbitt
Abernethy
Adair
Addonizio
Albert

Alexander
Alford
Anderson,
Mont.
Andrews

Anfuso
Ashley
Ashmore
Aspinall
Ayres

Bailey
Baldwin
Barden
Baring
Barr
Barrett
Barry
Bass, N.H.
Bass, Tenn.
Bates
Becker
Beckworth
Belcher
Bennett, Fla.
Bennett, Mich.
Bentley
Betts
Blatnik
Blitch
Boggs
Boland
Bolling
Bolton
Bonner
Bosch
Boykin
Boyle
Brademas
Bray
Brewster
Brock
Brooks, Tex.
Broomfield
Brown, Ga.
Brown, Mo.
Brown, Ohio
Broyhill
Burdick
Burke, Ky.
Burke, Mass.
Bush
Byrne, Pa.
Cannon
Carter
Casey
Chamberlain
Chenoweth
Church
Clark
Coad
Coffin
Cohelan
Collier
Conte
Cook
Cooley
Corbett
Cramer
Cunningham
Curtin
Curtis, Mass.
Curtis, Mo.
Daddario
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Dingell
Dixon
Dollinger
Donohue
Dooley
Dorn, N.Y.
Dowdy
Downing
Doyle
Dulski
Durham
Dwyer
Edmondson
Elliott
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Fisher
Flood
Flynn
Flynt
Foley
Forand
Fountain
Frazier
Frelinghuysen
Friedel
Fulton

Garmatz
Gary
Gathings
Gavin
Gialmo
Glenn
Goodell
Granahan
Grant
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagen
Haley
Hall
Halpern
Hardy
Hargis
Harmon
Harris
Hays
Healey
Hebert
Hechler
Hemphill
Henderson
Herlong
Hiestand
Hogan
Holland
Holt
Holtzman
Horan
Huddleston
Hull
Ikard
Irwin
Jarman
Jennings
Johnson, Calif.
Johnson, Colo.
Johnson, Md.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kasem
Kastenmeier
Kearns
Kee
Keith
Keogh
Kilday
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kowalski
Lafore
Lane
Langen
Langford
Latta
Lesinski
Levering
Libonati
Lindsay
Lipscomb
McCormack
McCulloch
McDonough
McDowell
McFall
McGinley
McGovern
McIntire
McMillan
McSweeney
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Mailliard
Martin
Matthews
May
Morrow
Metcalfe
Meyer
Michel
Miller, Clem

Miller,
George P.
Miller, N.Y.
Milliken
Mills
Minshall
Mitchell
Moeller
Monagan
Montoya
Moore
Moorhead
Morgan
Morris, N. Mex.
Morris, Okla.
Morrison
Moss
Moulder
Multer
Mumma
Murphy
Natcher
Nelsen
Nix
Norblad
O'Brien, Ill.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Oliver
Osmers
Ostertag
Patman
Pelly
Perkins
Pfof
Philbin
Pillion
Pirnie
Poff
Porter
Preston
Price
Prokop
Pucinski
Quie
Randall
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rooney
Roosevelt
Rostenkowski
Roush
Rutherford
St. George
Santangelo
Saylor
Schenck
Schwengel
Selden
Shelley
Sheppard
Shipley
Siler
Simpson, Ill.
Sisk
Slack
Smith, Calif.
Smith, Iowa
Springer
Staggers
Stratton
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Teller
Thompson, N.J.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Toll
Tollefson
Trimble
Tuck
Udall
Vanik
Van Pelt
Vinson
Wainwright
Wallhauser
Walter
Wampler

Weaver	Wier	Young
Weis	Wilson	Younger
Westland	Withrow	Zablocki
Wharton	Wolf	Zelenko
Whitener	Wright	
Widnall	Yates	

NAYS—42

Allen	Dorn, S.C.	Murray
Andersen,	Everett	Poage
Minn.	Ford	Ray
Arends	George	Rees, Kans
Auchincloss	Halleck	Rogers, Tex
Avery	Harrison	Scott
Baker	Hoeven	Sikes
Berry	Hoffman, Ill.	Simpson, Pa.
Bow	Hoffman, Mich.	Smith, Miss.
Budge	Jackson	Taber
Burleson	Jensen	Utt
Byrnes, Wis.	Johansen	Williams
Cederberg	Laird	Winstead
Chiperfield	Marshall	
Devine	Mason	

NOT VOTING—51

Alger	Hess	Reece, Tenn.
Baumhart	Hollifield	Riley
Bowles	Hosmer	Saund
Breeding	Kelly	Scherer
Brooks, La.	Kilburn	Short
Buckley	Landrum	Smith, Kans.
Cahill	Lennon	Smith, Va.
Canfield	Loser	Spence
Carnahan	Meador	Steed
Celler	Norrell	Taylor
Chelf	O'Brien, N.Y.	Thomas
Colmer	Passman	Thompson, La.
Diggs	Pilcher	Ullman
Evins	Powell	Van Zandt
Fogarty	Quigley	Watts
Forrester	Rabaut	Whitten
Gallagher	Rains	Willis

So the resolution was agreed to.

The Clerk announced the following pairs:

Mrs. Pilcher with Mr. Van Zandt.
Mr. Landrum with Mr. Alger.
Mr. Forrester with Mr. Taylor.
Mr. Willis with Mr. Reece, Tenn.
Mr. Thompson, La., with Mr. Baumhart.
Mr. Passman with Mr. Cahill.
Mr. Powell with Mr. Hess.
Mr. Rains with Mr. Kilburn.
Mrs. Kelly with Mr. Scherer.
Mr. Carnahan with Mr. Hosmer.
Mr. Evins with Mr. Meador.
Mr. Colmer with Mr. Short.
Mr. Hollifield with Mr. Smith of Kansas.
Mr. Loser with Mr. Canfield.

The result of the vote was announced as above recorded.

Mr. MURRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5752, with Mr. MADDEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MURRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. MORRISON].

(Mr. MORRISON asked and was given permission to revise and extend his remarks.)

Mr. MORRISON. Mr. Chairman, the adoption of the rule for consideration of H.R. 5752 is in the highest tradition of our historic congressional policy to provide fair and equal treatment to our

two million or more Federal employees. In the instant case, this tradition demands that we take positive action to correct serious omissions in both the law and administrative regulations that are supposed to provide that each and every Federal employee will have a day off to observe every one of the eight legal holidays prescribed by law.

The widespread confusion, contradictions, and indecision throughout recent months is the best exposition of the necessity for the Congress to settle the matter of employees' observance of legal holidays once and for all, and not "pass the buck" as has been suggested.

In all equity and good conscience, we should approve this bill today so that the same problems will not remain to plague the Congress, the administration, and the Federal employees in the future.

This legislation, which our distinguished committee chairman, Mr. MURRAY, sponsored and most ably supported in our committee and before the Rules Committee, is an excellent bill. It spells out in explicit terms a firm and lasting congressional policy that will remove all ambiguities and correct all omissions and inadequacies of the existing laws and regulations relating to Federal employees' observance of legal holidays. I am happy to give my strong personal support to the Chairman's bill.

During the course of consideration of this legislation, and particularly at the present time, it appears that certain misapprehensions have arisen that should be clarified. For one thing, a good deal of emphasis has fallen on the condition of the existing laws as they affect the rights of employees to time off for holiday observance under certain circumstances. The statutes alone are not responsible for our present situation. The condition of the administrative regulations implementing those laws is equally to blame.

The laws stipulate that there shall be eight legal holidays for Federal employees each year, and specifically identify each such holiday. Federal employees are supposed to be excused from duty to observe the holidays. This much is perfectly clear. However, as usually is the case in an operation of such broad scope as that of the Federal Government, administrative regulations have been promulgated to implement the laws.

These regulations progress admirably to a certain point, but then stop—for no special reason that I can perceive, unless it be oversight or doubt of how to handle the observance of legal holidays in some circumstances. In other words, the regulations are quite detailed and properly extend the application of the holiday laws in certain situations where a holiday may fall on a nonworkday, but fail to do a complete job while they are at it.

Thus, for example, Executive Order 10358—generally prescribing conditions for a holiday observance—is at considerable pains to authorize a Monday off to observe a legal holiday that falls on Sunday. Then it goes further to do partial justice for the thousands of employees whose regular workweek includes Sunday and who receive a weekday off in lieu of Sunday. The regulation says

that the weekday off in lieu of Sunday will be treated exactly as a Sunday in the event a legal holiday occurs on the weekday. These employees, therefore, are excused from work on their first regular workday following their weekday off in lieu of Sunday when the holiday falls on such weekday.

But, in sharp contrast to this carefully worked-out implementation of the holiday laws for use when a holiday falls on Sunday, there is no provision at all for a workday off when a holiday falls on Saturday. This means that the majority of employees whose workweeks are Monday through Friday, in effect, lose the benefit of each holiday that may fall on Saturday, since that is a nonworkday. Likewise, any employee whose regular workweek includes Saturday and who receives a weekday off in lieu of Saturday also loses the benefit of each holiday which happens to fall on his weekday off in lieu of Saturday.

The committee report contains a schedule showing the days on which each legal holiday will fall for the next 40 years. Holidays will fall on Saturdays 35 times in this period. However, holidays will fall no less than 251 times on weekdays which for thousands of employees are treated as Saturdays.

Equal treatment for all of these employees can be assured only by the enactment of H.R. 5752. The Executive order making July 3 a holiday this year will merely aggravate the discriminatory treatment among various groups of Federal employees by singling out one group—those for whom Saturday, July 4, 1959, is a nonworkday—for an extra day-off, while providing no comparable benefit for their fellow employees who by reason of work schedules may have other holidays fall on their weekday off in lieu of Saturday.

Mr. Chairman, I think it is most important and necessary that we pass the bill, H.R. 5752, sponsored by our distinguished chairman, Mr. Murray. This bill provides that the holidays granted to postal and Federal employees shall not be lost to them in the event that the holiday falls on a Saturday.

The pay of a regular postal employee is based upon working 2,080 hours a year. A substitute earns the same amount of money in 2,016 hours a year. The difference is due to the 64 hours that a regular receives by way of holidays. We have broken trust with these employees if we require them to work 2,096 hours or 3,004 hours, as we sometimes will if we do not make certain that they have the benefit of the holidays.

In passing this legislation, we are merely giving to our Government employees what private employers give to their employees. The Chicago Daily Tribune on Monday, May 25, carried a story to the effect that most Chicago workers would have a 3-day holiday for Memorial Day and for the Fourth of July. We did not do as well with our Government employees. They lost their Memorial Day holiday, and they will have the Fourth of July holiday because the President has issued an Executive order. I know that all of the Government workers are very grateful that the Presi-

dent issued an Executive order, and so am I, but in the Executive order the President took away some of the holiday rights that we have granted our employees by law. He denied premium pay to those who work on the holiday. This premium pay is part of our basic salary law. I do not believe that this was right or proper, but I do appreciate the fact that, if it were not for the action of the President, these employees would have lost their Fourth of July holiday also.

You have all received a letter from a Member of the House wherein he objects seriously to this legislation and points out that only one legal public holiday falls on a Saturday in the next 4 years—Veterans Day, November 11, 1961. He could also have pointed out that in the fifth year, 1964, there are three legal holidays that fall on Saturday. On the average, there is one legal holiday every 6 out of 7 years that falls on Saturday.

The statement that the proposed holiday goes far beyond designating as a legal holiday the Friday before any legal holiday is certainly confusing the issue. There are a limited number of wage board employees and a few others who have a workweek other than the normal workweek—in other words, they work on Saturday and Sunday. Through various Government actions, they have 2 days that are considered their Saturday and Sunday. It could very well be Monday and Tuesday. This bill protects their Saturdays and Sundays. There is no reason why they should be singled out and denied the rights that are given to other employees.

This legislation is neither extravagant nor unreasonable. It is entirely in keeping with the practice found in industry. It is most reasonable. We are asking our postal employees to cut their hourly pay when they lose these holidays, and I am strongly opposed to such a request.

One other factor that has not been brought out is that, in the postal service, when a holiday does fall on a Saturday, the men who usually work on that day and have compensatory time granted the next week are not required to work on Saturday and, as a result, there is a surplus of regular men the following week. Substitutes lose an entire week's work in most instances when a holiday falls on a Saturday. This year many substitutes had no work whatsoever during the first week of June because Memorial Day fell on Saturday. The work was there, but it was being done by regular men who ordinarily would have been off on a compensatory time. It is unfair to take 2 or 3 weeks in a given year away from these employees, and this situation can be remedied by the passage of this legislation.

I hope that this House will take a firm and positive stand today to correct the employee holiday situation on a permanent basis by passing H.R. 5752. Our Federal employees are looking to us, as they always do, to do justice and to assure that they all will receive the full benefit of the 8 authorized legal holidays.

Mr. REES of Kansas. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan [Mr. JOHANSEN].

(Mr. JOHANSEN asked and was given permission to revise and extend his remarks.)

Mr. JOHANSEN. Mr. Chairman, I rise in vigorous and unqualified opposition to H.R. 5752, the so-called holiday bill.

Mr. Chairman, the time has come for some blunt words.

The Government of the United States, is among many other things, an employer.

As an employer it has some definite obligations of fairness, justice, and responsibility with respect to its employees.

But the obligations of the Government of the United States—even as an employer—do not relate solely or exclusively to its employees and their demands, wishes and whims.

Those obligations relate, as well, to the total national interests; to the plight and problems of the American taxpayers; to the fiscal situation of the Government itself; to the rights and claims of the public these Federal employees presumably are engaged to serve; and, finally, to the repercussions of Federal personnel policies upon both employers and employees in private industry and nongovernmental occupations.

Therefore, I know of no reason why the Government of the United States as an employer, or the Congress of the United States as the policymaking branch of the Federal Government, is either obligated or well-advised to acquiesce in, or capitulate to, every request of its employees or every demand of the Federal employee union leaders.

I believe there are times when a balancing of all of the obligations and responsibilities of the Government of the United States—and of the Congress—requires and dictates a firm and unequivocal “No” in response to certain requests of Federal employees and to certain demands of Federal employee union leaders.

I could not hold otherwise unless I were prepared to concede that whatever the Federal employees request, or the leaders of organized labor demand, is automatically just, reasonable and proper and automatically binding upon the Government of the United States.

I believe that we have here in the bill H.R. 5752, a request—or a demand, if you please—which the Congress ought, pursuant to its overall obligations and responsibilities, to meet and reject with a firm, unequivocal and emphatic “No.”

During the debate on the rule, I summarized the main provisions of this bill. I also listed nine main points which, in my judgment, argue powerfully against adoption of H.R. 5752. I do not intend to cover that ground again. Instead, I propose to state and discuss just three principal propositions regarding this bill.

First. If this legislation is enacted, the American public and taxpayers are either going to get less return in service from their Federal employees for the money they—the taxpayers—are now paying, or, they are going to have to pay more tax dollars to maintain the service they are now receiving.

Probably the result will actually be a combination of both of these consequences.

I said as much in my minority views on this bill.

Since then my statement has received unexpected corroboration from Mr. James A. Campbell, national president of the American Federation of Government Employees. In a letter to the chairman and ranking minority member of the Committee on Post Office and Civil Service, dated June 26, Mr. Campbell said:

Whether we will it or not, the trend of our economy has been in the direction of shorter working time and consequently, more leisure time. This effort on our part (in support of H.R. 5752) is simply a manifestation of this trend.

How can “shorter working time” for Federal employees mean anything other than either less service, higher personnel costs, or both?

I am not prepared to deceive myself on a point which is obviously clear even to such a liberal as the distinguished Governor of Michigan, Hon. G. Mennen Williams, whom, certainly, I cannot often be charged with quoting approvingly.

Last February, Governor Williams, taking note of the much-publicized financial situation of my State of Michigan, canceled two normal State employee holidays. In doing so, he pointed out not only the saving in necessary overtime payments incident to such holidays but he also commented that—and I quote his exact words—“in addition, these two workdays will permit agencies to better keep abreast of their workloads.”

The provisions of this bill, H.R. 5752, designating as a holiday any Friday before a public legal holiday falling on a Saturday, and also designating as an employee's holiday his last regular workday prior to any legal public holiday falling on his regular nonworkday, raise basic questions both as to additional overtime costs and as to problems of keeping abreast of workloads.

Have we in the Federal Government and the Congress—with our huge national debt and still mounting national deficit—become so profligate, so indifferent to the burdens we impose on the taxpayers, so unconcerned about the vital functions of government and the services our people have a right to expect from government, that we will go along with any proposal that will make us popular, hail fellows with government employees and their union leaders?

If so, then we ought to be shamed by the action and the statement of Governor Williams of Michigan.

Second. This bill creates “floating” legal holidays for Federal employees—which wander all over the calendar—thereby completely distorting and perverting the original concept of paid holidays* and premium pay for work performed on holidays.

As I pointed out during debate on the rule, this is not just a Saturday holiday bill. This bill does not merely provide that when a public legal holiday falls on a Saturday the preceding Friday is a holiday so far as Federal employee holiday provisions are concerned.

This bill also provides that whenever any legal public holiday falls on the reg-

ular nonworkday of any Federal employee that employee's last regular workday becomes a legal public holiday for that worker and accordingly he will either receive that day off with pay, or he will receive double-time pay for working on that day—if he is a classified or blue collar employee—or he will receive a subsequent compensatory day of with pay—if he is a postal employee.

How complicated—and how absurd—all this becomes, compared with the original, simple, straightforward conception of holiday pay: to wit, that if a holiday occurs during an employee's normal work week, he would not lose a day's pay in consequence, and if he was required to work on a holiday falling within his normal work week, he would receive premium pay—that is, double-time pay—for doing so.

The argument is advanced in support of this bill that because a holiday sometimes falls on an employee's day off he is therefore cheated because, in that particular work week he must work 5 days in order to receive 5 days' pay, whereas an employee who has the holiday fall within his work week needs only work 4 days in that week in order to draw 5 days' pay. What this argument ignores of course, is the fact that the next holiday, falling on the other employee's day off, actually balances out the so-called inequity. To what absurd lengths, and on what extreme grounds, is the Government of the United States supposed to act, at the taxpayers' expense, in trying to satisfy this gnat-straining claim of inequity? In a word, how silly can we get?

Third, A principal argument in support of this bill is the claim that it merely follows the pattern of holiday pay and personnel policy in private industry.

Apart from the fact that much of what is gained in private collective bargaining is won at the gunpoint of a strike threat, and apart from the fact that much of what is granted in private industry may not be applicable to Government employees, I wonder if the Congress is prepared to accept the premise that whatever may be acquiesced to in private industry must automatically be accepted by Congress with respect to Federal employees.

If that premise is conceded, I submit that both the Members of Congress and the American people are due for a very rude shock. I quote the following from the "AFL-CIO Collective Bargaining Report" for March 1959, summarizing gains in holiday provisions of some current union contracts in private industry:

The rate of pay for work on a holiday has been increasing. The majority of paid-holiday provisions now provide for more than double-time pay for work on a holiday (that is, the combination of pay for the holiday plus pay for work on the holiday is more than double-time pay).

The increase in the rate of pay for holiday work is due to the simple fact that double time is actually not penalty pay at all and does not provide adequate compensation for the inconvenience of having to work on a holiday.

If a worker receives a day's pay for a holiday if he does not work, and only 2 days' pay if he does work, he is in effect getting only a day's pay—straight-time pay—for coming in to work.

To provide a genuine penalty or premium payment for work on holidays, the agreement must provide for time-and-one-half or double-time pay in addition to the day's pay which would be received if the worker spent the holiday at home, or a total payment of double time and a half or triple time.

I wonder if the Congress is prepared to endorse triple-time pay for holiday work by Federal employees. We had better be if we adopt this pending bill.

And will it end there? Of course it will not. Again I cite precedent already established in private enterprise under the persuasive influence of collective bargaining.

The same AFL-CIO report I quoted above also points out that a paid holiday for workers on their birthdays has been gaining favor in private industry collective bargaining agreements.

I have not seen the question raised, as yet, as to what happens if and when a worker's birthday falls on his "regular weekly nonworkday."

I suppose such matters take time to work out.

Mr. Chairman, I conclude as I began.

I believe the Government of the United States, as an employer, has obligations and responsibilities which do not relate solely or exclusively to its employees and their demands, wishes, and whims.

I believe those obligations and responsibilities make it imperative that this House defeat H.R. 5752.

Mr. MURRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. DAVIS].

(Mr. DAVIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Georgia. Mr. Chairman, I have great respect for the opinions and positions of the distinguished chairman of our committee and the ranking minority member, the gentleman from Kansas, and the distinguished gentleman from Michigan [Mr. JOHANSEN] who just spoke in opposition to this bill. However, I do not agree with them in their opposition to this legislation, and I rise in support of House bill, H.R. 5752. I believe it is a good bill and that it should be enacted by the Congress. I introduced House bill, H.R. 4577, a bill greatly similar to House bill, H.R. 5752, the bill now under consideration which was introduced by Chairman Murray of the Committee on Post Office and Civil Service. Our committee held hearings on all of these bills and the one now under consideration, H.R. 5752, was reported by the committee with only one member of the committee voting against the bill. After some delay, a rule was granted by the Committee on Rules and following the granting of the rule, then the President issued an Executive order granting to all Federal employees a holiday on July 3 of this year, Friday, to take care of the normal Fourth of July holiday which does fall on Saturday this year. I am glad that the President issued this Executive order because it makes certain that the employees will be taken care of for the one holiday on July 4th of this year even though this legislation should not pass both Houses and go

to the White House for signature. However, this Executive order does not provide for a permanent solution of the holiday problem. We have here a good bill which is ready for enactment into law. I think the fact that the President saw fit to issue this Executive order governing the holiday on July 4th demonstrates clearly the necessity for such legislation. I see no reason, however, why we should expect the President to issue such an order every time a holiday falls on a Saturday. Approximately 75,000 Government employees, by a ruling of the Comptroller General and by agency instructions, do receive the benefit of the holiday when it falls on Saturday, but if we are to assure our postal and other Federal employees that they will enjoy such a holiday, all of them—it is necessary to pass this legislation. I think it is well to point out that the postal employees have their pay based upon working 2,080 hours a year. In 1959, they would have been required to work 2,096 hours which, in effect, would have meant a pay cut for these employees. In 1964 they would have to work 3,004 hours because there are three holidays that fall on Saturday during that year.

To explain a little bit more accurately what I mean, I am quoting from page 23 of the hearings on postal pay and classification before the House committee on February 1, 1955. The witness testifying at that time was Hon. Eugene J. Lyons, Assistant Postmaster General. In explaining the legislation then before the committee that subsequently became Public Law 68, Mr. Lyons stated:

Subsection (b) of section 401 prescribes the formula for computing the basic salary of hourly rate employees. You will notice that other than substitute employees, you compute the hourly rate salary by dividing the annual salary by 2,080 which is simply 40 hours times 52 weeks. The substitute employee's salary is computed by dividing by 2,016. The reason for that is that some years ago the Congress decided that in the case of substitutes, rather than grant them holiday pay, because of the great difficulty of administering holiday pay for an hourly employee who was working part time, they would add a little bit to their regular hourly rate to compensate for not getting holiday pay. In other words, the hourly rate results in a substitute employee who works 40 hours a week for 52 weeks being compensated for the regular 8 holidays, and the 2,016 is arrived at by simply subtracting 64 hours, 8 times 8, from the 2,080, which automatically gives the substitute a pro rata holiday pay.

Mr. DAVIS. May I ask a question, Mr. Chairman?

Have any precautions been taken to see to it that the substitute who gets this increased hourly pay throughout the year will also be the one who performs this duty on the holidays for which the increased hourly rate is granted?

Mr. Lyons. The increased hourly rate was granted, sir, to provide them with pay for not working on holidays. You see, the regulars, by law and by Executive order, have 8 holidays a year on which they do not work, and they get paid nevertheless for those holidays. That was to give the substitute the same sort of treatment.

To be even more specific, I might point out that substitutes in step 1, level 4, receive \$2.00 an hour, while the regular employees receive only \$1.94 an hour.

The practice in industry today is for the employer to guarantee a specified number of holidays a year. The result of a coast-to-coast checkup of the practice of firms was published in the Wall Street Journal of Friday, May 22. Out of 79 companies that were questioned, 55 planned to give their employees extra days off because of the fact that Memorial Day and the Fourth of July both fell on Saturday.

Mr. Chairman, the following is the article from the Wall Street Journal I just referred to:

MANY FIRMS PLAN LONG MEMORIAL DAY, JULY 4 HOLIDAYS; BOTH FALL ON SATURDAY

"We think it's lovely," coos Marcella Burns, personnel manager of San Francisco's I. Magnin & Co., in melodious tones. "Our staff personnel always gets holidays off. We expect it."

And for most American workers, blue-collar and white-collar, the outlook for leisurely picnics, fishing expeditions or camping trips over the Memorial Day and July 4 weekends is also "lovely." Although both holidays fall on Saturday this year, a coast-to-coast check of businesses large and small discloses most will give employees 3-day weekends by knocking off work on the two Fridays—May 29 and July 3. A few, instead, will be off on the Monday following the holidays. Many employees who will have to work May 29 will be free July 3.

Even those workers who have to put in full 5-day weeks around the two holidays generally will get something out of it. Unionized workers in the auto and other industries will get an extra day's pay. Retail clerks who usually work Saturday will get the two holidays off, though they'll be on the job the two Fridays. Some office employees who have to come to their desks on the two Fridays will get extra days added to their summer vacations.

HOLIDAY BILL IN HOUSE

Congress may order the Federal Government to give its army of Washington clerks a holiday July 3. Government workers probably will be in their offices May 29, but the House Civil Service Committee has approved a bill to make Friday a holiday when a regular holiday falls on Saturday. It's given a pretty good chance of passing in time for the July 4 weekend.

In private industry, Wall Street Journal queries to 79 companies in various businesses found 44 planning to give their employees 3-day weekends on both holidays and another 11 scheduling one Friday or the other—usually July 3—as a day off. Only 22 planned 5-day weeks on both occasions.

Variations occur mostly by industry rather than geographical area. Banks by and large will be open for business both Fridays, though some will be on a half-staff basis, with half the clerks off May 29 and the others July 3. Aircraft plants both in California and on New York's Long Island generally will be down both Fridays. But steel mills, currently rushing production to build up customer inventories against the possibility of a summer strike, will keep working and hand out extra pay to do it. Inland Steel Co. even will bring in some Chicago offworkers on the two holiday Saturdays.

Some other industries have no set policy. Among cigarette makers, for instance, Philip Morris, Inc., will be off both May 29 and July 3. But Liggett & Myers, P. Lorillard Co., and American Tobacco Co. will close only on the Friday before "the Fourth."

A number of companies, like Rheem Manufacturing Co. and Johns-Manville Corp., have given local plant managers the option of deciding whether or not to work on the two holiday eves, generally with instructions to set policy according to local conditions.

Other firms are facing a situation so complex it can't be quickly summarized. Cleveland's Eaton Manufacturing Co., for instance, will keep its axle division working both Fridays, with both salaried personnel and factory workers getting an extra day's pay. At the heater division, factory workers will get 6 days' pay for 5 days' work, but salaried employees will get a day off of their own choosing. Eaton's stamp division will pay factory workers for 6 days Memorial Day week, on the week of July 4 they'll get an extra day off prior to or following the holiday. Stamp division office personnel will get a day added to their vacations for working 5 days Memorial Day week; they'll work 5 days the week of July 4, too, but get an extra day off before or after the holiday.

Among industrial giants, General Electric Co., International Business Machines Corp., Douglas Aircraft Co., and Allied Chemical Co. will knock off both Fridays. Radio Corp. of America will give some of its office help at New York executive headquarters a holiday May 29 and others July 3. Production workers at the company's farflung plants probably will get 1 day or the other off, but RCA hasn't made up its mind which one.

In the auto industry, Ford Motor Co. and American Motors Corp. have been working heavy Saturday schedules but will take Memorial Day off. Assembly line workers at these companies and Chrysler Corp. will be on the job Friday, May 29, but will get 6 days' pay for 5 days' work that week. General Motors Corp., though, says it will close all but vital operations May 29. No information is available yet on the automakers' plans for the July 4 weekend.

Among companies with special situations, General Development Corp., Florida land development and construction firm, usually works a half day on Saturdays, but will take off Memorial Day; office workers and construction crews will be at work May 29, though. General Development also will take off either July 3 or Monday, July 6; which date will be "determined by what the banks and the Federal Government do."

TEXTILE MILLS DRAFT PLANS

Southern textile mills usually close for week-long industrywide vacations around July 4. West Point Manufacturing Co., which turns out heavy cotton industrial cloth at mills in Alabama and Georgia, hasn't decided whether it will take off the first or second week in July. Whichever it is, though, a company spokesman said West Point will consider giving workers an extra day for July 4. But the company will work May 29; textile mills generally don't recognize Memorial Day as a holiday.

Budd Co., Philadelphia-based manufacturer of auto bodies and railway cars, will give everybody 3-day weekends, but spread them out. Half its force will work Friday, May 29, but get Monday, June 1, off; the other half will be off Friday but work Monday. Budd will repeat the procedure over the July 4 weekend. The company said this arrangement is due to production schedules.

Patterson Parchment Paper Co., Bristol, Pa., will work May 29, and says July 4 falls during the period when it's closed for summer vacation. But each worker will get 2 extra days off during the year to make up for the lost holidays.

Mr. Chairman, I supported H.R. 5752 in the Post Office and Civil Service Committee, and I will vote for it here in the House. I urge my colleagues to vote with me.

(Mr. DULSKI asked and was given permission to extend his remarks at this point.)

Mr. DULSKI. Mr. Chairman, the legislation before the body is a matter of vital interest to postal employees everywhere. It is high time that we should

put an end to the peculiar situation in which the law allows eight holidays, but would, during 1959, actually grant only six holidays to Federal employees. The difference is that Memorial Day, May 30, and Independence Day, July 4, both fall on Saturday.

As a freshman Member of the House of Representatives, and as a member of the House Committee on Post Office and Civil Service, I wish nevertheless to assure my colleagues of my deep understanding of the way in which at the time the Postal Field Service Compensation Act of 1955 was enacted the holiday provisions were carried over from previous law, and thereby did not correct the peculiar contradiction in regard to Saturdays.

Section 603 of that act declares that "the Postmaster General may require employees to work more than 8 hours in 1 day, or on Saturdays, Sundays, or holidays." Because of this language it is assumed that everybody in the postal service works from Monday to Friday, except in very unusual circumstances. Nothing could be further from the truth.

In the Buffalo post office, and especially at the railway terminal post office, and at the airmail post office, a great many postal employees work either every Saturday or Sunday, or both.

I am told that the General Accounting Office, in 1958, made a ruling that people actually assigned to work on Saturday will have the holiday granted to them.

The law provides that Federal employees shall have eight holidays each year. This number of holidays is used to determine the hourly pay for regular employees. Since this is true, I feel that the day of the week upon which the holiday falls should have no significance.

The Post Office Department, when its representative appeared before our committee on April 16, said that it opposes this legislation because the public would strongly protest to the Congress and to the Department, any curtailment of service on a normal weekday, not a holiday, for persons outside the Federal Government.

I have already quoted from the law to show that although the average postal employee is expected to work from Monday to Friday, the Postmaster General may require him to work on Saturdays, Sundays, or holidays. Because of the fact that it is a fiction that postal employees work from Monday to Friday, and because the Postmaster can, in fact, and does require these people to work on days regarded as rest days or holidays, the question of curtailment of service should never have arisen. The Postmaster General has ample authority to carry on the postal service, regardless of the scheduling of holidays.

The Post Office Department concluded its testimony with a declaration that the legislation before the body "in effect represents a pay raise." Actually, my colleagues will recognize that there can be no question of a pay raise when an employee is given only that which the law allows and intends.

The law contemplates that regular employees in the postal service work 252 days, plus eight holidays. It is on this number of days that the hourly rate is

based. In 1959, unless H.R. 5752 is approved, these employees will work 254 days and receive only 6 holidays. Their rate of pay will be the same as if they had worked only 252 days. How, then, can the Post Office Department possibly maintain that this legislation would constitute a pay raise, when actually it is a reduction in pay because many postal employees would work more days for the same number of dollars.

H.R. 5752 is simply intended to insure that postal and Federal employees receive the eight holidays intended for them. Because of this, I am happy to rise in support of the measure, and I hope it will be passed unanimously.

Mr. REES of Kansas. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL: Mr. Chairman, the House of Representatives is now preparing to act on a bill that deserves the complete and unqualified support of every Member of this distinguished body.

I am referring to the amended version of H.R. 5752, which would grant Federal employees a day off on Friday whenever a legal holiday falls on the following Saturday. Under the existing law, if a holiday falls on Sunday, it is observed the next day, on Monday. I think all of us can agree that this is a perfectly reasonable and almost universally observed practice.

But when a holiday falls on Saturday, there is no provision in Federal law to take account of the occasion. The consequence is that Government workers are deprived of a holiday although there are supposed to be 8 paid holidays for them in every calendar year.

In view of the fact that provisions are made in law and in an Executive order with regard to Sunday holidays, it is utterly illogical that there is no provision made for Saturday holidays.

What is worse than the lack of logic in the present arrangement is the obvious injustice. Federal employees do not devise the calendar, and there is, of course, nothing they can do about what day comes on a given date.

It defies both commonsense and our sense of fair play to penalize civil servants because of a caprice in the calendar. There is only one way by which this situation can be corrected, and that is through favorable action in Congress. We have that opportunity now, and it is our obligation to do something about it.

I think all of us can agree that it has always been the intent of Congress that the granting of 8 holidays a year means just that. It means 8 days on which employees would be freed from their normal duties.

These days are naturally very important to employees and their families. We all look forward to them and make special plans for their celebration. A great many people are disappointed when they lose a holiday, the more so when they are the victims of an eccentric and inflexible calendar.

The regulations on annual leave grant only 13 days a year to employees with less than 3 years of service. Many civil servants are in this category, and a holiday means a great deal to them

because their regular leave is so limited. A Friday holiday is especially precious since it means a long weekend.

In urging the passage of this measure, I want to emphasize the fact that the Federal Government would not be establishing any precedent or acting more generously than is the widespread practice in private enterprise. For example, an analysis of labor-industry collective bargaining agreements by the Bureau of Labor Statistics revealed that more than 4 million American workers receive some sort of special benefits when a holiday falls on Saturday. These benefits take the form of an extra day's pay, an extra day off with regular pay, or some other type of compensation.

A similar survey of the Chicago area conducted by the Chicago Association of Commerce and Industry showed that 62 percent of the office and plant workers employed by 1,181 firms would receive either Friday or some other day off this year as compensation for Memorial Day and Independence Day, both of which come on Saturday. About 478,000 persons would enjoy these benefits.

Business in the New York area will also be quite generally shut down. The Industry Association of New York indicates that about 65 percent of the metropolitan concerns will close on the Friday before Memorial Day, and that some 75 percent are expected to be closed on Friday, July 3.

I believe that these figures will pretty well prove that a Friday off when a holiday comes on Saturday is certainly not a unique idea or an innovation. On the contrary, it would simply put the Government in line with practices already established in a large segment of business and industry.

Objections have also been raised against the cost of this bill. Under the provisions of the amended version of H.R. 5752, the version we are now, of course, considering, there would be no Friday off during the current fiscal year, 1959. Thus, one of the most often repeated arguments against the Friday holiday is destroyed because no additional appropriations will be required.

On the other hand, the Friday preceding Independence Day falls in fiscal 1960. In appropriating funds and in budgeting, Congress and the executive agencies still have adequate time to take account of and plan for this occasion.

If we look ahead, we see that surprisingly few holidays in future years will fall on a Saturday. It is true that there are two this year, but this is most unusual.

During the next 40 years, from 1960 to 1999 inclusive, only 35 holidays come on a Saturday. This means that only about 7 hours a year, on the average, will be lost for this reason through all the remaining years of this century. Certainly this cannot be considered too heavy a burden for the U.S. Government to carry.

The Federal Government is pledged to grant eight holidays a year to its employees. When a quirk of the calendar takes away one of these days, this pledge becomes a mockery.

Only Congress can correct this situation. I believe that Congress is morally bound to eliminate this injustice and make good the pledge of the Government. For this reason I strongly urge every Member of this body to vote for the passage of H.R. 5752.

Mr. Chairman, one of the main objections voiced to this legislation, in fact, the only primary objection, is its alleged cost. I can certainly appreciate the concern any official of our Government or any Member of this body may have to the cost of this or any other legislation, because it is true of any legislation that involves cost, that the larger the cost the more controversial that feature becomes. We are all concerned, of course, with the fiscal solvency of our Government. I feel, however, it would be penny wise and pound foolish for us to consider only the cost of legislation whenever the benefits or the welfare of our employees are concerned.

I say penny wise and pound foolish, whether we be Members of Congress legislating for employees of the Federal Government or whether we be private employers. Certainly when we consider the matter of benefits for our employees we have got to consider the morale and the additional efficiency that are involved which would certainly yield some returns for any expenditure that is caused by granting additional benefits.

I maintain that there is not necessarily an additional cost involved in this bill. It is alleged it will cost \$6 million for every Friday holiday that is granted. I believe that was figured out on a mechanical basis or on a slide rule basis on the time that would be lost to the Federal Government. I think it is fair to consider that there might be additional morale, additional efficiency and a large portion of this extra cost will be made up over the years through increased efficiency. So it is highly questionable that the cost per day for extra day holidays granted in this bill would result in anywhere near \$6 million extra.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. REES of Kansas. That \$6 million figure was furnished to us by the Bureau of the Budget.

Mr. BROYHILL. That is correct, but I question the accuracy of the figures because I feel they have not taken into consideration that there could result increased morale and efficiency as a result of this extra day off. The effect of granting additional benefits does not in every case mean additional cost.

Mr. REES of Kansas. Does the gentleman question the figures of the Bureau of the Budget?

Mr. BROYHILL. I do question the figures of the Bureau of the Budget in this regard because I do not believe that they considered that some of the time loss could be regained.

Mr. REES of Kansas. That is all I wanted to know.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Let me proceed; then I will yield if I have time remaining.

Again the question is involved here of whether we are giving the Federal employees something additional or whether we are trying to take something away from them. I said a moment ago, and it has been stated many times here, it has been accepted as a fact that the Federal employees are supposed to receive eight holidays each year. It should be spelled out in legislation for we find that they have been getting other than those specific eight days throughout the years. We have pointed to the instance when the holiday occurs on Sunday, that the employees get Monday off, that the employee who works six days a week, meaning Monday to Saturday will always get Saturday off when the holiday falls on Saturday. But the worker who works the odd week, using the example of Tuesday to Tuesday, if the holiday falls on Wednesday he gets Thursday off. The only exception to the rule of giving employees eight full holidays is in those cases when the holiday happens to fall on Saturday. In that event under the present system the Government saves a little additional money, it will not cost them any extra money if this bill is enacted.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield for a correction?

Mr. BROYHILL. I yield for a correction.

Mr. JOHANSEN. Under the provisions of this bill, it is not merely when the holiday falls on the equivalent of a Saturday or Sunday, but also in the case of the off-beat employees where the holiday falls in any instance on their regular day off. Is not that correct?

Mr. BROYHILL. That is correct. The purpose of the bill is to make certain that all employees get eight full holidays every year regardless of what day the holiday falls on. To enact legislation of this character is just making it consistent and eliminating all confusion.

I am very happy to see that the President signed the Executive order granting Friday off this year. That indicates to me that he supports the general purpose and objectives of this bill. What this bill does is to make sure that whenever a holiday falls on Saturday in the future that an Executive order will not be necessary; that in advance employees can make preparations and plans for a Friday off.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. CORBETT. I just wanted to state that the gentleman from Virginia has made a clear and correct statement of the purpose of the bill, to see that these folks get the benefit of the floating holiday. To deprive them of that benefit would be to add to their discomfort as a result of having to work an irregular week in the first place.

Mr. BROYHILL. The gentleman is absolutely correct.

Mr. CORBETT. It would be another penalty to them.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(Mr. BROYHILL asked and was given permission to revise and extend his remarks.)

Mr. MURRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. FOLEY].

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, I rise in support of H.R. 5752. As has been pointed out by previous speakers, the sole purpose of this bill is to eliminate an inequity that has been unfortunately allowed to continue for too long a time. And by eliminating an inequity, the Congress will be keeping faith with the Federal Government employees. All H.R. 5752 says in essence is this: When the Congress set aside eight holidays and provided that the Federal Government employees were to be relieved from work on these eight holidays, the Congress was guaranteeing to the Government employees that they would not be required to work on these holidays.

Nowhere in the Federal statutes appear any language that would intimate that the Congress intended that the swing of the calendar should fortuitously deprive the Government employee of this holiday benefit. Nevertheless, over the years, through administrative practice and through the absence of a clear statement by the Congress, the swing of the calendar has resulted in certain holidays falling on Saturday. And as a result of this fortuitous event, Government employees, for the most part, have been deprived of the basic holiday benefit intended by the Congress in establishing the eight holidays. H.R. 5752 when enacted will close this gap in the law.

Mr. Chairman and members of the committee, you will find specific reference to the eight holidays cited by consulting title 5 of the United States Code beginning at section 86A. This section provides in pertinent part as follows:

Hereafter whenever regular employees of the Federal Government or the municipal government of the District of Columbia whose compensation is fixed at a rate per day, per hour, or on a piecework basis, are relieved or prevented from working solely because of the occurrence of a holiday such as New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, Veteran's Day, or any other day declared to be a holiday by Federal statute, Executive order, or with respect to the employees of the municipal government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, * * * they shall receive the same pay for such days as for days on which an ordinary day's work is performed."

Section 87 makes Labor Day a legal public holiday in the same manner as Christmas, the 1st day of January, the 22d day of February, the 30th day of May, and the Fourth of July are made public holidays. This section was adopted in 1894. Section 87A of the same title, makes Veterans Day, November 11th, a public holiday. Likewise, section 87B of the same title, makes Thanksgiving Day, the fourth Thursday of November, a legal public holiday. Thus, the legal public holidays involved in this bill are clearly defined by Federal statute.

The principle set forth in section 86A cited above that Government employees

shall receive the same pay for holidays as for days on which an ordinary day's work is performed was restated and applied to all Government employees by Executive Order No. 10358 on June 11, 1952, by President Harry S. Truman. Section 3 of this Executive order provides as follows:

Whenever a holiday falls on a Sunday, Federal offices, and establishments shall be closed to public business on the following Monday.

Legal public holidays in the postal service of the United States are set forth in title 39 of the United States Code, section 119. Of course, these are the same 8 holidays specified above. However, section 119 refers to sections 852, 853, 854, and 866 of title 39 which deal with compensation to postal employees who perform service on holidays. Section 853 provides that—

Such employees shall be allowed compensatory time for such service on one day within thirty days next succeeding the holiday.

Section 119 further provides as follows:

All days, other than the holidays enumerated in this section, set aside by the President of the United States as holidays to be observed by the other Departments of the Government throughout the United States shall be construed as applicable to the postal service in the same manner and to the same extent as the executive departments.

The statutory intent of the Congress concerning the Federal employees enjoyment of the 8 legal holidays is most clear. It is simply that they shall receive the same pay for such days as for days on which an ordinary day's work is performed. The holidays are celebrated by the employees not working on these holidays and still as a result of their not working they do not lose any pay on account of the holiday. The Congress has made no exception that this holiday celebration principle is not to apply owing to the fortuitous swing of the calendar and the holiday occurring outside the work week. The Executive Order 10358 has plugged the gap where the holiday occurs on Sunday. H.R. 5752 plugs the gap where the holiday occurs on Saturday.

At the hearings on H.R. 5752, witnesses for the Bureau of the Budget and for the Post Office Department testified that approximately half of private industry surveyed by the National Industrial Conference Board provides a Friday holiday under the circumstances covered by the bill, namely when the holiday occurs on a Saturday. The representative of the Post Office Department cited a report by the National Industrial Conference Board entitled "Time Off With Pay." He quoted as follows from the report:

The concept of paid time off in lieu of wages underscores the fact that holiday pay, vacation pay, etc., are essentially the means of maintaining the regular weekly income of the employee. They are devices to defer wages so as to assure that the employee will suffer no loss of weekly income should he be absent for certain reasons, should the plant close for a holiday or should he go on vacation. Looked at from this angle, paid time off does not add to the employee's pay. It is this concept of paid time off in lieu of wages

that helps explain some seemingly odd developments in vacation and holiday practices. It helps to explain, for example, the idea of guaranteed holiday pay, whereby an employee receives holiday pay even though the holiday falls on a day outside his regular work week. It also helps to explain the idea of vacations as an earned right rather than a gratuity from the employer. For in both these instances, the holiday pay or vacation pay is viewed as wages that the employee would otherwise have gotten in the form of a wage increase. And to deny holiday pay if the holiday falls on a Saturday, or to deny vacation pay if the employee is terminated, is viewed as a denial of the wage increase agreed to.

The foregoing citations from the Board's report strongly support H.R. 5752. For the report analyzes the basic rationale of holiday time off as being in fact earned by the Government employee in lieu of a wage increase and to deny holiday pay if the holiday falls on a Saturday, is a denial of the wage increase agreed to. The Congress established eight legal holidays and provided that the Government employee shall receive the same pay for such days as for days in which an ordinary day's work is performed, though the Government employee is relieved from work on the eight holidays. The Congress has guaranteed the eight holidays to the Government employees in principle but as a matter of practice, this guarantee has not operated with reference to holidays that fall on a Saturday. H.R. 5752 will insure that the eight holidays in fact will be guaranteed for all time in the future for Government employees and the Government employees will not be denied this holiday benefit by the fortuitous swing of the calendar.

The guaranteed holiday as indicated above is not revolutionary. It is one firmly recognized by private industry to the extent of 50 percent of the private firms surveyed by the National Industrial Conference Board. The basic question before the House with reference to H.R. 5752 is this. Is the Congress of the United States with reference to the Government employees going to associate itself with the enlightened practice of 50 percent of the private industry firms that now provide Friday off when the holiday occurs on Saturday, or is the Federal Government going to continue to align itself with the other 50 percent of private industry which does not guarantee the holiday benefit? For myself it would be my earnest hope that the Government of the United States would live up to its responsibility to be a model employer, to provide the most enlightened standards for its employees so as to inspire all employers everywhere to follow the lead of the Federal Government. We all know that the Federal Government has lagged behind the most enlightened developments in employer-employee relationships. By adopting H.R. 5752 Congress will join that 50 percent of private industry which has led the way, in this particular instance, of guaranteeing holidays to employees to insure that there will be no denial of a wage increase which the holiday benefit in essence represents. I urge the Committee of the Whole House to report out 5752 and I urge the House of Representatives to pass this bill.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Maine.

Mr. OLIVER. I would like to commend the gentleman from Maryland for the tremendous job he has done in protection of the Federal employees over this Nation. I would like to ask a question. There has been a great deal said here about the Executive order of the President taking effect on July 3, this week. Is it not true that that only provides for compensatory time, it does not give any premium pay?

Mr. FOLEY. The gentleman is correct. The last section of the Executive order specifically excludes and prohibits payment of anything for overtime.

Mr. OLIVER. The Federal employees would not have the full impact of what they are entitled to unless this bill were put into effect?

Mr. FOLEY. That is correct.

(Mr. OLIVER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. OLIVER. Mr. Chairman, I rise to urge that the House approve H.R. 5752, the bill to insure that Federal employees will receive the holiday benefits intended for them by law.

I emphasize that H.R. 5752 would grant no additional holidays. It merely insures that each employee will actually receive the benefit of the eight holidays which the law already provides.

One of the arguments used by opponents of H.R. 5752 is that after July 4, 1959, there will be no holiday falling on Saturday until Veterans' Day in 1961. Therefore, we should brush this bill under the rug. This approach does not reach the basic problems.

For one thing, employees subject to the Classification Act lose a holiday whenever it falls on the first of their 2 scheduled weekly days of rest. By regulation it is determined that such a day is the equivalent of Saturday and that no holiday benefits can be allowed. Under such regulations every holiday is a Saturday for some discriminated-against Government employees.

Another basic reason for enacting this holiday bill is that existing injustices, now being experienced by hundreds of thousands of Government employees, will be rectified. For example, employees whose workweek runs from Monday through Saturday get full allowance for the eight legal holidays recognized by our Government. But those thousands whose workweek runs from Thursday through Monday and whose Saturdays and Sundays are considered to be on Tuesday and Wednesday do not get legal holiday benefits when the holiday falls on Tuesday, which is considered to be their Saturday. This bill will cure that injustice just as it cures the employee who works from Monday through Friday and does not get benefits when the holiday falls on Saturday.

It is commonly thought that all governmental employees benefit alike from eight legal holidays each year. This is not the fact unless this bill is enacted. Many are losing the benefits of one or two legal holidays each year, while others

are getting the full benefit of eight such holidays.

A third reason to act favorably today on H.R. 5752 is that the Executive order of the President does not actually afford full holiday benefits for July Fourth. The order merely provides that Federal employees will be excused from duty on July 3.

Although all post-office employees are not fortunate enough to receive premium pay for holiday service, some Federal employees are allowed overtime for work on such days. The Executive order clearly directs that there will be no additional holiday, overtime, or premium pay as a result of the order.

The Postal Bulletin is the medium by which official postal directives are made public. In the issue for June 18, under the heading "Service on July 3, 1959," the Post Office lists no less than seven general groups of people who are excluded from any premium benefits of the President's order. Could there be clearer official acknowledgement that the job of providing an answer even to the holiday of July Fourth alone is only partially accomplished by the Executive order?

Issuance of the Executive order does have the virtue of demolishing the administration's arguments against H.R. 5752.

If it is proper for partial holiday observance to be given Independence Day on July 3, then observance should have been given to Memorial Day on May 29.

We were told that if holiday privileges were extended for Memorial Day a supplemental 1959 appropriation would have been needed to cover the cost. Now we find that agencies are instructed to absorb the cost of the July 3 holiday. This is almost as inconsistent as one can get.

Mr. Chairman, the administration has now conceded the invalid nature of its position. All of the points that have been made emphasize the need once and for all to solve the holiday benefits controversy by approval today of H.R. 5752 and by its enactment into law.

It seems to me, Mr. Chairman, that common equity and simple justice demand favorable action on this bill. I urge its passage by an overwhelming majority vote.

Mr. REES of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. Gross].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I join with my distinguished colleague from Georgia [Mr. DAVIS] in paying my respects to the chairman of the Committee on the Post Office and Civil Service, the gentleman from Tennessee [Mr. MURRAY], and the ranking minority member, the gentleman from Kansas [Mr. REES]. But unlike the two gentlemen I am for this bill. I voted for it in committee and I propose to vote for it today. I voted for it in committee because I thought that we ought to remove the inequities that exist when the President of the United States takes action such as he did with respect to the Fourth of July holiday.

I would call attention to the language in the report to which I subscribe, and the distinguished chairman and ranking minority member originally approved this language in the report, which reads as follows:

This legislation does not establish any new or additional legal holidays. It does not give any Federal employee any right, privilege, or benefit not clearly intended under existing law. It will cause no interference or delay in the operations or services of any Government department or agency. The bill merely closes a gap in the law which has continued largely due to oversight—

And so forth.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Is there a general granting of a holiday on a Friday before a Saturday holiday? Does the gentleman believe it is going to be possible to maintain the operations of Government offices or does he favor closing the offices and thereby interrupting the service?

Mr. GROSS. If I thought this was going to disrupt the Government, and I was opposed to the designation of Friday as a holiday, as the gentleman indicates he is, I believe I would offer a resolution and give Congress the opportunity to rescind the President's Executive order creating a holiday. The President has set the stage for this, you know.

Mr. JOHANSEN. Mr. Chairman, if the gentleman will yield further, let me revise the question. Would the gentleman agree with the provision in the bill in the other body calling for the closing of all public offices on a Friday preceding a Saturday holiday?

Mr. GROSS. The gentleman is speaking about some bill in the other body?

Mr. JOHANSEN. I am referring to the fact that the bill in the other body categorically calls for that provision.

Mr. GROSS. I am not acquainted with the bill in the other body. I am dealing with legislation presently before the House.

Mr. JOHANSEN. If there is an amendment offered to close all offices on Friday before a Saturday holiday, would the gentleman oppose that?

Mr. GROSS. I would oppose it, particularly with reference to the postal service. I do not believe the postal service should be suspended completely on any business day.

Mr. JOHANSEN. I was sure the gentleman would feel that way.

Mr. GROSS. But I certainly think all employees should have equal compensation, in time off or pay, for the time that they are called upon to work on those days, and none should be penalized by virtue of the fact that a declared holiday does not fall in their regular workweek.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MURRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. In view of the fact that I introduced one of the original bills, H.R. 535, I support this bill on the floor today. In regard to the remarks of the gentleman from Michigan [Mr. JOHAN-

SEN], I concur in the answer given by the gentleman from Iowa [Mr. GROSS], and that is, if this bill, perchance, would close all Government agencies any day during the week, I would be opposed to it.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Michigan.

Mr. JOHANSEN. In order to understand the gentleman's position, he means that if there were a provision in this bill closing all Government offices on a Friday which preceded a Saturday holiday, he would oppose it?

Mr. LESINSKI. Right.

Mr. JOHANSEN. Does the gentleman believe that it is going to be possible to have a massive Federal holiday on such a Friday, involving all of the Federal employees, without having virtually that practical result?

Mr. LESINSKI. The gentleman knows that they can reschedule the work and they can put substitutes or pay an additional day's wages to regulars in the post office to keep the work going.

Mr. JOHANSEN. But would not the gentleman agree that that would be possible?

Mr. LESINSKI. Stating it categorically, if it did interfere with the operation of the Government, I would be opposed to the bill, but it will not, and therefore that is the answer.

There was some talk here about there being no haste in the consideration of this bill and that it should not be considered at this time. I think the important thing is that it should be considered because of the Presidential order. Why should the President be burdened with that thought in mind about a certain holiday? The action today will once and for all forestall any other consideration by the Committee and get the problem settled once and for all so that the President shall not have to waste his time on the matter of holidays for Federal employees. Therefore, I urge that the House pass H.R. 5752.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I desire to join the gentleman from Michigan in support of this bill.

I intend to support this bill because I believe that the employees of our Nation are entitled to their holidays, and I believe that this principle ought to hold true whether these holidays fall on a Sunday or on a Saturday.

At the same time there has been considerable talk today with regard to certain inequities in our present holiday procedure and so-called "floating" holidays. Certainly as our calendar is now constituted and as our holidays are now determined, coming up each year on different days of the week, these inequities are bound to continue to exist, not only in the Government but in private industry as well.

In my judgment the only sure way to eliminate these inequities and "floating" holidays is to revise our calendar to make sure that all of our national legal holidays, except those with special religious

significance, are observed on a Monday, just as Labor Day is presently observed, rather than on some specific calendar date with all the inequitable results now so obvious to all of us.

In this way not only would the inequities to which this bill is specifically addressed be eliminated, but the observances of our national legal holidays in the future would make it possible for families to enjoy a full weekend of recreational activity. This result would be better for our own enjoyment. It would improve our business planning. And it would eliminate the disruption to business that always occurs whenever a holiday falls in the middle of the week instead of near the weekend.

While I intend, as I say, to support this bill, I am also introducing legislation to change the observance of all of our legal holidays, except Christmas, New Year's, and Thanksgiving, to a Monday in lieu of the specific calendar dates now designated. Under my bill Washington's Birthday will be observed on the third Monday in February, Memorial Day on the last Monday in May, Independence Day on the first Monday in July, and Veterans' Day on the second Monday in November. I hope Members of the House will support my legislation, as well as this temporary bill being considered today.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. REES of Kansas. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. WALLHAUSER].

Mr. WALLHAUSER. Mr. Chairman, I rise in support of H.R. 5752.

I am persuaded that there is a gap in the law which has continued, largely due to oversight, that must be closed, in which many, many Federal employees will receive less than the normal amount of legal holidays which they have a right to expect, and which many other Federal workers will receive because of variations in the workweeks.

This legislation does not establish any new, or additional legal holidays, nor give any Federal employee any right, or benefit not clearly intended under existing law. No governmental department or agency will suffer a delay in operations, nor will it interfere in any of the governmental services.

Plainly, it seems to me that it is high time that this inequity should be corrected.

Mr. REES of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Chairman, I believe this debate has continued long enough now to make it clear to almost all of the Members that all the bill attempts to do is to eliminate existing inequities. It provides that all employees will be treated exactly alike as regards the number of workdays and the number of work hours per year. It provides further—and I think this is one item that may have been omitted—that by making these rules regarding holidays certain that employees can do advance planning for themselves and their fam-

ilics rather than be subject to the whim of the Executive. And that can become very important to people who do not have a great deal of time to plan and to go on trips.

I believe, therefore, Mr. Chairman, that this debate has resolved itself down to the simple issue of whether we want to treat all our employees alike or whether we want to penalize some of them and make them work an occasional day free. That is the matter we are going to vote on, and I certainly urge the membership to vote for equal treatment for all employees.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I am glad to yield to the gentleman.

Mr. JOHANSEN. I wonder if the gentleman would agree that there is still going to be quite an area of administrative decision which may preclude or may hamper the plans for the holiday if, as the gentleman from Michigan, [Mr. LESINSKI], suggested, work schedules are going to have to be so ordered, are going to have to be so planned and so revised with respect to these Friday holidays preceding the Saturday holiday, in order to keep all the functions of the Government unimpaired. In this case how is any employee going to know, until the administrative decision of his superior, whether he gets that day off or not?

Mr. CORBETT. I may say to the gentleman that this does add quite a bit of confusion, but I wonder if the gentleman will agree with me that it will be better for a greater number, and I will agree with him that the administration would have to do a little more administrative work.

Mr. JOHANSEN. Since the greater number are the taxpayers, I cannot entertain that view.

Mr. CORBETT. Will the gentleman, who has raised the question of cost so often, please answer this? Under the present arrangement who pays for the additional time worked? Is it not the employee?

Mr. JOHANSEN. Of course, I do not accept the premise that there is additional time worked. The facts of the matter are, as they have been repeatedly stated here, that the original intention of the holiday bill was to see to it that if an employee worked on a holiday he was paid for it.

Mr. CORBETT. And we are trying to make that apply to everybody equally now.

Mr. MURRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, we are all greatly concerned with trying to do something to help the people who need help. Last year most of us felt that Government employees needed a pay raise. I voted for the pay raise. I felt that it would help people who needed it. Today the advocates of this legislation base their proposal on the theory that those working for the Federal Government are entitled to have some kind of relief. I am not sure just how they propose to give this relief or aid, because

they do not propose to increase the pay which Federal workers are receiving. They just propose for the Government to get less in return.

A man working for the Federal Government is going to wind up with exactly the same amount of money to take home after a week of these holidays after the passage of this bill as he would now get. True he will have contributed a little less to the Government. True he will have a little more time to spend his money, but he will not be making any more money. The pay for the workers is going to be the same. Bear that in mind.

A man is going to work 4 or 5 days a week. If his pay is \$75 a week he is going to get the same \$75 whether he works 4 days or 5 days. So his living standard is not going up. But it is going to cost the U.S. Government a very substantial amount of money. Nobody knows exactly how much the increased cost is going to be. The estimates are from \$6 to \$40 million each holiday, and I think the \$40 million is much more nearly the correct figure. I think at least we might all agree that it will cost the Government more money than it would have cost had we on yesterday accepted the Senate proposal to eliminate the tax on communications. In other words, yesterday we were told that we could not afford to let our people use telephones without taxing them 10 percent because the Government is hard pressed for money. And I agree that it is hard pressed, although I sought to eliminate the telephone tax. But today we decide that we can well afford to pay for an extra day's work not only before each holiday, but remember that a great proportion of Federal employees are on a sort of staggered week schedule. If they do not get Saturday and Sunday off, they now get some other days.

Now they are going to get a day off preceding the day that they do not work regardless of what day of the week it is. There seems to be some disagreement as to whether we are to simply have less Federal service every day before any holiday and a complete breakdown of Federal service on Friday before a Saturday holiday, or whether the Government is going to employ extra inexperienced help to carry on. Of course, as was suggested here a while ago, you can close up the Government agencies and do without Federal services. On the other hand if you do not want your mail delivered on Friday, and if you do not want the Government offices to operate but 4 days a week, of course, you can operate this without so much expense. But, if you want these Government services rendering service to your 5 days a week, then you must accept the burden of the additional cost. But, that is only the start.

You know and I know that you cannot adopt this policy for the Federal Government without it being adopted by private industry any more than you can make the Mississippi River run up past St. Paul and flow on into Canada. You know and I know that this is setting the policy for industry all over the United States. You know and I know that we have not faced a more infla-

tionary bill in years than this bill which is presently before us. This is a bill which does not do anybody any good. This is a bill which does not add one dollar to the income of the Federal workers. This is not a pay raise. This is just a way of wasting Federal money.

Those of you who like to talk about saving Federal money—just think this one over. This is the most adroit method of wasting Federal money that has yet been devised. Those of you who have been concerned about inflation, and I know that you are, just as I have been, concerned about inflation—you just think about this proposition. Not one dollar of new goods or new services is created by this bill—not one. Can you think of a better method of creating inflation than to require the payment of additional funds without producing one single bit of new goods or new services? That is pure inflation, my friends. That is pure 100 percent inflation and it is going to make everybody's living costs more than they are today.

It is going to take away from the Federal workers the very improved living standards which we would like to give them. Do not tell me that this bill is calculated to do something for your Federal workers. It is going to do something to your Federal workers and what it will do will not be good.

It is going to do something to everybody else in the United States. It is going to do something to you as a taxpayer—something that you do not like. But, more than that it is going to do something to you as a consumer—something that you do not like. It is going to increase the cost of living. It is going to make your taxes higher. It is going to make your dollar buy less. It is not going to do anybody any good.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield.

Mr. JOHANSEN. I would like to commend the gentleman for his very forthright and accurate statement. I would just ask the gentleman one question. If, as it now appears probable, at least in the House judging from the vote that has just been taken on the rule, does the gentleman suppose that if this bill passes this is the end of the matter in the way of additional such expectations?

Mr. POAGE. Of course, it is not the end of the matter. These things are always followed by further demands. Once this demand is granted—and I heard the vote also and I know how this thing is going to go. I heard the vote but it did not change my views. What is going to happen? I know what is going to happen and you know what is going to happen. The first thing that is going to happen, and it must happen and it is bound to happen—when the Federal Government sets this example, then all private industry must necessarily follow it, and they will follow it and we will have a real and very substantial inflation throughout this country. We are not simply dealing with Federal employees. We are knowingly setting a policy which must be followed

in private employment. And there is where we will see real inflation.

The thing that is going to happen, and it is bound to happen as soon as private industry has accepted this is that we will heed demands to extend the idea to private holidays—birthdays, wedding anniversaries, etc. They are going to say, "If perchance I had a child which was born on Friday, then I must have Thursday off as a holiday to properly celebrate the child's birthday." They are going to say, "If perchance my family wants to have a picnic on Wednesday, then I must have Tuesday off as a holiday."

You know and I know that not only will such holidays be costly but the disruption of Federal services and then private service, will be far more costly. Do you now get your mail when it should ordinarily be delivered, on the day that the substitute delivers it? When you have substitutes delivering on most of the days, you just are not going to get any mail.

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 5752 which would at long last grant to Federal civilian employees one of the benefits that enlightened American private enterprise and progressive unions have achieved through collective bargaining—a fixed quota of days in which workers can commemorate with their families the great events of our heritage.

Mr. Chairman, for many years Government was looked to as an example of an enlightened employer who was in the forefront in granting what are now termed "fringe benefits." In recent years, I am sorry to say, Government has fallen behind in the role of a good boss.

H.R. 5752, which would allow Federal civilian employees a Friday holiday when a usual holiday falls on Saturday is a long needed first step to catching up with the benefits of well-established union-industry contracts. I hope in the very near future an additional much-needed benefit, health insurance for Federal civilian employees, will come up and be approved by the Congress and the administration.

At this time I consider it a privilege to urge the adoption of H.R. 5752.

Mr. REES of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of H.R. 5752. It seems to me we recognized the principle involved in this bill several years ago when Executive Order 10358 was issued in 1952. That stated that if a holiday fell on Sunday the employees would be given Monday off as the holiday.

We are simply making the principle consistent when we pass this bill today to provide the same procedure to be followed where the holiday falls on a Saturday.

The gentleman from Texas has stated that this bill would not do anything for anyone and would be a waste of public funds. Actually it seems to me that we should recognize the fact that if we grant our 2 million Federal employees eight holidays per year it would do a great deal of good. They are entitled to these holi-

days as days when they can be with their families and use the days for recreational purposes or any purpose they desire. The morale of those 2 million employees is the most important single factor governing us in establishing this principle.

The argument was made earlier in the debate that we should not pass this bill because there is going to be but one more Saturday holiday in the next four years. However, the principle is the thing that is important. If the principle is right we should pass this bill. It was recognized by the very gentleman who made this argument that the principle was right just a month ago. If the principle was right then, certainly it must be right today, and the Congress should eliminate any doubt about the principle involved when a holiday falls on Saturday.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield.

Mr. FOLEY. The report on this bill on page 10 shows that in 19 of the years there would be one holiday falling on Saturdays, in five of the years two holidays, and in two of the years three holidays. In 14 of the years there would be no holidays. But I want to point out and make it very clear that it is not a matter of the next 4 years we are thinking about, but the next 40 and beyond.

Mr. BALDWIN. I agree with the gentleman.

Mr. REES of Kansas. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this legislation has reached a place where it is a sort of "much ado" about nothing. What I mean to say in we are approving legislation that has already been cared for by Executive order. I remind you, too, that there would have been no holiday for Government workers as they requested except by Executive order.

The chairman and I, at the request of leaders of Government employees, asked the President to issue the Executive order. We were told that it appeared a rule on the bill was not forthcoming. It seems rather strange that, although we appeared before the Rules Committee and asked for a rule on this legislation, nothing was done until after the Executive order was requested.

Let me make it clear—I am not objecting to the legislation. In fact, I support the intent and purpose of the bill. I simply state, in view of the circumstances, we should agree to let the committee take another look at it. I remind you again, in view of the Executive order, it will be effective only once in the next 5 years.

Somebody has spoken about the great loyalty of the Government employees. I think you will find that the chairman of this committee, together with myself, putting all things together, have been just about as loyal as anybody else in holding hearings, attending hearings, and bringing legislation to the floor and getting it through the House.

Mr. MURRAY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I support the pending legislation. I disagree

with the gentleman from Kansas. You will be doing a great deal if you vote this legislation out because you will be making the law fair as among Government workers and as between Government workers and private workers.

I call your attention to pages 12 and 13 of the hearings where Mr. Hughes, Assistant Legislative Director of the Bureau of the Budget, was testifying.

I asked Mr. Hughes: There are 8 holidays in a year?

He said, "Yes." I said, "And as the situation is now, some Government employees get paid for them and some do not, is that correct?"

"Yes," said Mr. Hughes, in effect.

Then I said: "But the answer to my question is that some employees get eight holidays a year and get paid for them and some do not?"

He said, "That is right."

Then on page 13 the question arose as to the situation as between Government employees and private industry employees. I asked him: "Have you made a study of what the comparable practices are in private industry?"

He said, "I am generally familiar with, I believe it is the National Industrial Conference Board data, which indicates that something approximating a half of the industry surveyed by this group did provide a Friday holiday under the circumstances that we are discussing."

Then I asked him: "Are you familiar with union contracts on this?"

He said, "No, sir; I am not."

I said: "In other words, whether this is equitable in terms of what is being done in private industry, you are really not prepared to testify to?"

Mr. Hughes said: "Not in any detail. I understand there is roughly a 50-50 kind of relationship, at least in the data I have seen."

I submit we want to be with the top 50 percent and that the top 50 percent of industry today has this policy as to holidays. It seems that is the better practice and we should put this better practice into law. It is the fair thing to do.

Mr. MURRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have stated my views rather fully in opposition to this legislation in discussion of the rule. I am strongly opposed to the bill. I see no necessity for it and I think it is a waste of the time of the House to consider it today because, in my opinion, it will never become law.

As I explained to the committee while we were discussing the rule, the executive order giving employees a day off because of the Fourth of July following on Saturday this year came at the request of the gentleman from Kansas [Mr. REES] and myself. I feel sure that were it not for the fact we urged the President to issue the order, the Federal employees would not have had the holiday on Friday before July 4.

Now, I think this matter of giving time off to employees on days before holidays in the future should be determined by Executive order if feasible and advisable and I see absolutely no necessity for this legislation at this time. Of

course, I realize fully the sentiment of the House. The great majority of the Members are in favor of this legislation. They have a perfect right to their position, but I beg leave to differ with them. I say this: I have always tried to be fair to the Federal employees, even though sometimes I tell them that their demands are unreasonable. And, I will always be fair to them as long as I have the honor of being chairman of the House Post Office and Civil Service Committee.

Now, I regret that so much time has been taken up with this legislation, which, in my opinion, will never become law. I hope that my remarks in opposition to this bill will be understood by the House, because I know the legislation will be approved overwhelmingly and I realize fully that my views in any extended discussion will not change the prevailing sentiment of the Members of the House in favor of this bill.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of provisions of law relating to pay and leave of absence of civilian officers and employees in or under the Government of the United States, with respect to New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Veterans Day (November 11), Christmas Day (December 25), or any other day declared to be a holiday by Federal statute or Executive order, the following rules shall apply:

(1) If any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday for such officers and employees whose basic workweek is Monday through Friday, in lieu of such day which so occurs on such Saturday.

(2) If any such day shall occur on a regular weekly nonworkday of any officer or employee whose basic workweek is other than Monday through Friday (except the regular weekly nonworkday administratively scheduled for such officer or employee in lieu of Sunday) the day immediately preceding such regular weekly nonworkday shall be held and considered to be a legal public holiday for such officer or employee in lieu of such day which so occurs on such regular weekly nonworkday.

With the following committee amendments:

Page 2, strike out lines 3 to 8 and insert:

"(1) If any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday, in lieu of such day which so occurs on such Saturday, (A) for such officers and employees whose basic workweek is Monday through Friday, and (B) for the purposes of section 205(d) of the Annual and Sick Leave Act of 1951 (65 Stat. 681), as amended (5 U.S.C. 2064(d))."

Page 2, line 22, strike out "day" and insert "workday."

The committee amendments were agreed to.

Mr. JOHANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHANSEN: After the word "That" on page 1, line 3, of the bill insert the words "whenever a holiday falls on a Saturday, Federal offices and establishments shall be closed to public business on the preceding Friday, and that."

(Mr. JOHANSEN asked and was given permission to revise and extend his remarks.)

Mr. JOHANSEN. Mr. Chairman, I observed during the debate on this rule that this was a comedy of contradictions. I want to join in the comedy, and I offer in complete good faith an amendment to this bill to make it an honest bill. The import of this bill—which it now appears obvious is going to pass this House—is to create with respect to employees' benefits a holiday for all Federal employees on all Fridays preceding a Saturday holiday.

Now, I cannot conceive of the possibility of providing such a blanket feature without the result either that the employees are going to be laid off work and idled on that Friday or that they are going to be paid double time for working on that holiday. I cannot conceive of this bill having any effect other than to completely disrupt the operation of the Government services on such a Friday or to create the necessity of unconscionable overtime payments, unconscionable in terms of the volume that is going to have to be paid.

Now, I would like to direct attention to the Executive order of the President that was issued on July 12. You will note that, taking cognizance of the problem that exists with respect to declaring a nonworkday or an excused day, the President said specifically:

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts on this particular holiday.

He is referring, of course, here to Friday, July 3.

Now, certainly the only forthright and realistic way of dealing with this thing, if you are determined they are going to go through with it, is to recognize the fact that you are either going to shut up shop or pay a tremendous amount of overtime, one or the other. So, let us be honest with ourselves, let us be honest with the employees, let us be honest with the people and tell them that we are closing up shop except in those extreme emergencies where it is necessary to maintain skeleton standby personnel and let us just quit kidding everybody.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I never doubt the sincerity of the gentleman from Michigan [Mr. JOHANSEN]. And I know how definitely he is opposed to this bill. I therefore do believe that by accident he has devised a way to build into the bill a veto certain because, if we by legislative action here declare that all agencies of the Government have to close on all Fridays prior to any Satur-

days that are holidays, it means for example that despite any defense problems, despite the need of getting out the mail, all that work would have to stop, and therefore the President, as Chief Executive, would have to veto this bill.

If we believe in the principle of this bill and if we would like to see it enacted as many of us would, then we have to defeat this amendment or we will guarantee that the bill will never become law.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman.

Mr. JOHANSEN. Let me say first of all that I am not privy to any special knowledge, but I am rather certain that you do not need this amendment to have the assurance of a veto. But let me say further that this provision with respect to closing public offices is no different and no more sweeping than with respect to any other presently constituted public legal holiday. It is as much and no less, and in view of the fact that you are going to give everybody a holiday anyway, why not be realistic about it?

Mr. CORBETT. Mr. Chairman, I cannot yield any further, for it would look as though I were for the amendment.

Mr. JOHANSEN. That would be fine.

Mr. CORBETT. I am simply urging the committee to defeat this amendment in the hope that we may have this law established.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to say that I join the distinguished gentleman from Pennsylvania [Mr. CORBETT] in opposing this amendment. If this amendment were adopted, it would create so much confusion it would simply ruin the purpose of the bill in its entirety.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. JOHANSEN. May I ask my distinguished and very favorite friend from Georgia whether it would create any more confusion with respect to a Friday holiday prior to a Saturday holiday than the same provision does with respect to regular public legal holidays?

Mr. DAVIS of Georgia. I certainly think it would.

Mr. CORBETT. Mr. Chairman, I would like to ask the gentleman one question. If his amendment should prevail, would that induce him to vote for passage of the bill?

Mr. JOHANSEN. Of course, it would not. But all I am trying to do is have my colleagues be realistic and honest about it.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. MORRISON. Mr. Chairman, I would like to make one correction. It was stated that there have not been any hearings on S. 909, which is a companion

bill in the other body. There were Senate hearings on April 24 by the chairman of the subcommittee, Senator YARBOROUGH.

Mr. Chairman, also I would like to maintain the position taken by my distinguished colleague from Pennsylvania [Mr. CORBETT]. This amendment is ridiculous. All it tries to do is to scuttle the bill. I urge that it be voted down.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield for a question?

Mr. CORBETT. I yield.

Mr. JOHANSEN. I should like to direct a question to the gentleman from Louisiana as to whether this ridiculous provision of this ridiculous amendment is not the identical wording of the bill in the other body on which the gentleman had just stated there have been hearings?

Mr. MORRISON. I do not know about the hearings in the other body; but if you want to close up all the post offices on Friday, you know that you are in a ridiculous position.

Mr. JOHANSEN. The gentleman has put me in some very distinguished company, I will say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JOHANSEN].

The question was taken; and on a division (demanded by Mr. JOHANSEN) there were—ayes 16, noes 85.

So the amendment was rejected.

Mr. CEDERBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CEDERBERG: On page 2, strike out line 1 and all that follows down through line 8 on page 3, and insert in lieu thereof the following: "holiday by Federal statute or Executive order, if any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday in lieu of such day which so occurs on such Saturday (a) for such officers and employees as are assigned to tours of duty in which such Saturday is a regular nonwork-day and (b) for the purposes of section 205(d) of the Annual and Sick Leave Act of 1951 (65 Stat. 681), as amended (5 U.S.C. 2064(d))."

Mr. CEDERBERG. Mr. Chairman, the purpose of this amendment is simply to do this: In the Executive Order 10358, dated June 9, 1952, there are prescribed the general regulations for the observance of holidays by Government departments and agencies. Section 3 of the Executive order pertinent to this legislation is as follows:

Section 3 says whenever a holiday falls on Sunday, Federal offices and establishments shall be closed to business on the following Monday.

My amendment simply says whenever a holiday falls on Saturday, Federal offices and establishments shall be closed to business on the previous Friday.

It does away with some of the other questionable matters in this legislation.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield.

Mr. BROYHILL. How does the amendment offered by the gentleman differ from the committee amendment or

from the provisions of the bill, as reported to the House?

Mr. CEDERBERG. The bill, as reported by the committee, on page 2, has to do with other regular weekly non-work days of any office, employee, and so forth, and its strikes that out.

Mr. BROYHILL. That is the reason I asked the gentleman the question. The purpose of the pending bill is to make these holidays uniform for all employees and to eliminate existing inequities. What the gentleman's amendment does is to provide a Friday holiday for the Monday through Friday employees where it occurs on Saturday. But the employees who work odd weeks, let us say from Thursday through Monday, they would not get a holiday if the holiday fell on Tuesday or Wednesday of that week.

Mr. CEDERBERG. It is my understanding that an employee, let us say, who has days off other than Saturday or Sunday if the holiday falls on one of those days, he would get a previous day off, and if he is required to work, he would get double time.

Mr. BROYHILL. And the gentleman's amendment would prohibit that?

Mr. CEDERBERG. My amendment simply says if a legal holiday falls on Saturday Federal offices and establishments shall be closed to business on Friday.

Mr. BROYHILL. As I understand the gentleman's amendment, it would eliminate some of the inequities which now exist whereas the bill reported by the committee eliminates all of the inequities, and the gentleman is just going part of the way.

Mr. CEDERBERG. I might say to the gentleman, I would support this legislation, if my amendment is adopted.

Mr. BROYHILL. I hope the gentleman's amendment will be defeated.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, as the gentleman from Michigan just pointed out, would go part way toward correcting the inequities which presently exist and which the bill is designed to eliminate to the greatest possible extent. Likewise, because of the language being stricken out, the effect of the amendment, as proposed, would leave us in somewhat of a confused situation legislatively. The matter never having been considered in committee, Mr. Chairman, I recommend strongly to the Members of this Committee that the amendment be defeated. Certainly, the amendment would not be bad in itself if there were not better language and a better bill already written.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. MORRISON. This is just another case of a proposition that should have been taken up in the committee, but was not. It should not be adopted now. As a matter of fact, it hurts the bill.

Mr. CORBETT. It reduces the remedy for the inequities which we are trying to eliminate.

Mr. MORRISON. It should have been taken up in committee.

Mr. CORBETT. Yes.

Mr. CEDERBERG. The gentleman knows I am no longer a member of the Post Office and Civil Service Committee.

Mr. MORRISON. It also includes the intent of the amendment that was offered by the gentleman from Michigan [Mr. JOHANSEN], which we just voted down, in that it relates to the Friday preceding a Saturday holiday.

Mr. CEDERBERG. Just like the amendment for Monday if the holiday falls on Sunday. That was the intent of the amendment offered by the gentleman from Michigan.

Mr. CORBETT. Mr. Chairman, just in conclusion this is one of those situations where he is proposing to substitute half a loaf for the full loaf.

I hope the amendment will be defeated.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield.

Mr. MURRAY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. JOHANSEN. Mr. Chairman, I support the amendment for two reasons: First, because it makes the same provision with respect to a Friday holiday in lieu of a Saturday holiday as exists for a Monday holiday in lieu of a Sunday holiday. The gentleman from Michigan [Mr. CEDERBERG], is being completely realistic.

The second reason I take this time, is to call attention of the House to a long-forgotten fact: Once upon a time it was good sound policy that whenever a holiday fell on a normal working day an employee would get paid even if he did not work. The simple elemental justice of that was that there was no reason why he should be deprived of a normal day's pay because it was a holiday coming in his normal workweek. At the same time it was provided that if he was required to inconvenience himself because of separation from his family or deprivation because of having to work on such a holiday he drew premium pay. Those were sound policies.

The thing that we are doing here is a far departure from such principles.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CEDERBERG].

The amendment was rejected.

The Clerk read as follows:

SEC. 2. This Act shall not apply to any officer or employee whose basic workweek is Monday through Saturday.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 3, strike out "This Act" and insert in lieu thereof: "The first section of this Act, except clause (B) of paragraph (1) of such section,".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, after line 6, add a new section as follows:

"Sec. 3. The preceding sections of this Act shall take effect on July 1, 1959."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes, pursuant to House Resolution 294, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. JOHANSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. JOHANSEN. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. JOHANSEN moves that the bill be re-committed to the Committee on the Post Office and Civil Service.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CORRECTION OF ROLL CALL

Mr. GARMATZ. Mr. Speaker, on roll-call No. 105 I am not recorded. I was present and voted "aye." I ask unanimous consent that the Permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONTESTED ELECTION CASE OF MAHONEY v. SMITH

The SPEAKER laid before the House the following communication from the

Clerk of the House which was read and referred to the Committee on House Administration and ordered to be printed:

JUNE 30, 1959.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to lay before the House of Representatives the contest for a seat in the House of Representatives from the Sixth Congressional District of the State of Kansas, Elmo J. Mahoney, versus Wint Smith, notice of which has been filed in the office of the Clerk of the House; and also transmit herewith original testimony, papers, and documents relating thereto.

In compliance with the act approved March 2, 1887, entitled "An act relating to contested-election cases," the Clerk has opened and printed the testimony in the above case, and such portions of the testimony as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed together with notice of contest, and the answer thereto and original papers and exhibits have been sealed up and are ready to be laid before the Committee on House Administration.

Two copies of the printed testimony in the aforesaid case have been mailed to the contestant, and the same number to the contestee, which together with the briefs of the parties, when received, will be laid before the Committee on House Administration, to which the case shall be referred.

Very truly yours,

RALPH ROBERTS,
Clerk, U.S. House of Representatives.

EXTENDING RENEGOTIATION ACT

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. MILLS] for the purpose of making a unanimous-consent request.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill, H.R. 7086, extending the Renegotiation Act.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The conference report and statement is as follows:

CONFERENCE REPORT (H. REPT. No. 619)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7086) to extend the Renegotiation Act of 1951, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: On the first page of the Senate engrossed amendment, beginning with line 7, strike out all through line 6, page 2, and in lieu thereof insert the following:

"SEC. 2. FIVE-YEAR LOSS CARRYFORWARD.

"Subsection (m) of section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1213(m)), is amended—

"(1) By striking out the heading and inserting in lieu thereof the following:

"(m) RENEGOTIATION LOSS CARRYFORWARDS."

"(2) By striking out subparagraph (A) of paragraph (2) and inserting in lieu thereof the following:

"(A) The term "renegotiation loss deduction" means—

"(1) for any fiscal year ending on or after December 31, 1956, and before January 1, 1959, the sum of the renegotiation loss carryforward to such fiscal year from the preceding two fiscal years; and

"(ii) for any fiscal year ending after December 31, 1958, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding five fiscal years (excluding any fiscal year ending before December 31, 1956)."

"(3) By striking out 'CARRYFORWARDS.—A' in paragraph (3) and inserting in lieu thereof the following: 'CARRYFORWARDS TO 1956, 1957, AND 1958.—For the purposes of paragraph (2) (A) (i) a'.

"(4) By adding at the end of such subsection the following new paragraph:

"(4) AMOUNT OF CARRYFORWARDS TO FISCAL YEARS ENDING AFTER 1958.—For the purposes of paragraph (2) (A) (ii), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") ending on or after December 31, 1956, shall be a renegotiation loss carryforward to each of the five fiscal years following the loss year. The entire amount of such loss shall be carried to the first fiscal year succeeding the loss year. The portion of such loss which shall be carried to each of the other four fiscal years shall be the excess, if any, of the amount of such loss over the sum of the profits derived from contracts with the Departments and subcontracts in each of the prior fiscal years to which such loss may be carried. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in any such prior fiscal year shall be computed by determining the amount of the renegotiation loss deduction without regard to the renegotiation loss for the loss year or for any fiscal year thereafter, and the profits so computed shall not be considered to be less than zero."

And the Senate agree to the same.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
RICHARD M. SIMPSON,
N. M. MASON,

Managers on the Part of the House.

HARRY F. BYRD,
ROBT. S. KERR,
J. ALLEN FREAR, Jr.,
JOHN J. WILLIAMS,
FRANK CARLSON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7086) to extend the Renegotiation Act of 1951, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

THE HOUSE BILL

The bill as passed the House contained six sections.

Section 1 of the bill provided for a four-year extension of the Renegotiation Act of 1951. This section amended section 102(c) (1) of the Act to provide that the termination date would be June 30, 1963 (in lieu of the present termination date, June 30, 1959).

Section 2 of the bill as passed the House related to factors to be considered in determining excessive profits. Section 2(a) of the bill amended the second sentence of section 103(e) of the Act to provide that, in giving favorable recognition to the efficiency of the contractor or subcontractor for purposes of determining excessive profits, particular regard is to be accorded not only to the matters now set forth in such second sentence but also to contractual pricing provisions and the objectives sought to be

achieved thereby, and economies achieved by subcontracting with small business concerns.

Section 2(b) of the bill amended paragraph (2) of the second sentence of section 103(e) of the Act. Paragraph (2) of existing law lists as one of the enumerated factors required to be taken into account in determining excessive profits the following: "The net worth, with particular regard to the amount and source of public and private capital employed." Under section 2(b) of the bill as passed the House, this paragraph (2) would be amended so that this enumerated factor would be "The net worth, and the amount and source of public and private capital employed."

Section 2(c) of the bill as passed the House amended section 103(e) of the Act to provide that in any statement furnished by the Renegotiation Board to a contractor or subcontractor pursuant to section 105(a) of the Act, the Board is to indicate separately but without evaluating separately in dollars or percentages, its consideration of, and the recognition given to, the efficiency of the contractor or subcontractor and each of the other factors required by section 103(e) of the Act to be taken into account in determining excessive profits.

Section 3 of the bill as passed the House amended subsection (m) of section 103 of the Act. At present, subsection (m) provides a two-year carryforward of losses on renegotiable business to any fiscal year ending on or after December 31, 1956. Section 3 of the bill as passed the House provided a five-year carryforward (in lieu of the present two-year carryforward) of losses to any fiscal year ending after December 31, 1958. The five-year carryforward would apply only if the loss arose in a fiscal year which ended on or after December 31, 1956.

Section 4 of the bill as passed the House amended section 105(a) of the Act with respect to statements furnished by the Renegotiation Board and the availability of documents for inspection. Under existing law, the Renegotiation Board is required, if the contractor or subcontractor so requests, to furnish the contractor or subcontractor a statement of its reasons and of the facts used by it as a basis for arriving at a determination of excessive profits; but the Board is not required to furnish such a statement unless its determination is made by order, and then only after the order has been entered. Section 4(a) of the bill amended this provision to require by statute that the Board furnish a statement (of the kind described in the previous sentence) before the making of an agreement or the issuance of an order, if the contractor or subcontractor so requests.

Section 4(b) of the bill provided that the Renegotiation Board, at or before the time it furnishes the statement of facts and reasons required by section 105(a) of the Act, is to make available for inspection by the contractor or subcontractor, as the case may be, all reports and other written matter furnished to the Renegotiation Board by a Department named in the Act, provided such material relates to the renegotiation proceeding in which the contractor or subcontractor is involved and the disclosure thereof is not forbidden by law.

Section 5 of the bill as passed the House related to proceedings before the Tax Court in renegotiation cases. Section 5(a) struck out the fourth sentence of section 108 of the Act and replaced it by two new sentences. The first of these new sentences provided that a proceeding before the Tax Court to determine the amount, if any, of excessive profits is not to be treated as a proceeding to review the determination of the Renegotiation Board, but is to be treated as a proceeding de novo. The second of these new sentences provided that the petitioner in such proceeding is to have the burden of going forward with the case; only evi-

dence presented to the Tax Court is to be considered; and no presumption of correctness is to attach to the determination of the Board.

Section 5(b) provided that determinations in renegotiation cases by any division of the Tax Court are to be reviewed by a special division of the Tax Court consisting of not less than three judges.

Section 6 of the bill as passed the House related to review of Tax Court decisions in renegotiation cases. Under section 6 Tax Court decisions in renegotiation cases would be reviewable by the Court of Appeals for the District of Columbia, and by the Supreme Court upon certiorari. Although this section would generally permit review of Tax Court decisions in renegotiation cases in a manner and to an extent similar to that provided for Tax Court decisions in tax cases under section 7482 of the Internal Revenue Code of 1954, it does not permit the reviewing court to modify the decision of the Tax Court, and does not permit the reviewing court to reverse the decision of the Tax Court without remanding the case.

THE SENATE AMENDMENT

The Senate amendment struck out the text of the House bill and substituted therefor a new text consisting of four sections.

Section 1 under the Senate amendment provided for a three-year extension of the Renegotiation Act of 1951. Under this section, the termination date is June 30, 1962.

Section 2 under the Senate amendment adds two new sentences at the end of section 104 of the Act. The first of these new sentences provides that no provision limiting the amount of profits is to be inserted by the Secretary of any Department in any contract or subcontract the receipts or accruals from which are subject to the Act, or would be subject to the Act except for the provisions of section 106 thereof, other than the provision required by the first sentence of section 104 thereof, and any such other provision in any such contract or subcontract (whether entered into before, on, or after the date of the enactment of the bill) is to have no force or effect. The second of the new sentences provides that the preceding sentence is not to apply to any incentive provision, to any provision for redetermination of similar revision of the contract price, or to any provision for price escalation which operates without regard to the amount of profits under the contract or subcontract.

Section 3 under the Senate amendment amends section 107(c) of the Act to provide that there is to be a General Counsel of the Renegotiation Board who is to be appointed by the Board without regard to civil-service laws and regulations and is to receive compensation at the rate of \$19,000 per annum.

Section 4 under the Senate amendment relates to studies of procurement policies and practices and the Renegotiation Act of 1951. Subsection (a) of section 4 directs the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives (or any duly authorized subcommittees thereof) to make full and complete studies of the procurement policies and practices of the Department of Defense, the Department of the Air Force, the Department of the Army, and the Department of the Navy. Such studies are to include an examination of the experience of such Departments in the use of various methods of procurement and types of contractual instruments, with particular regard to the effectiveness thereof in achieving reasonable costs, prices, and profits.

Subsection (a) further directs that the results of such studies, together with such recommendations as may be deemed necessary or desirable, are to be reported by the named committees to their respective Houses not later than September 30, 1960. It is also provided that the material and

data collected in the course of such studies be made available to the Joint Committee on Internal Revenue Taxation to assist it in making the study of renegotiation required by subsection (b) of section 4.

Subsection (b) directs the Joint Committee on Internal Revenue Taxation to make a full and complete study of the Renegotiation Act of 1951 and of the policies and practices of the Renegotiation Board. The results of this study, together with such recommendations as may be deemed necessary or desirable, are to be reported by the joint committee to both the House and the Senate not later than March 31, 1961.

THE CONFERENCE AGREEMENT

The House recedes with an amendment which strikes out section 2 of the Senate amendment (relating to nonstatutory profit limitation provisions) and inserts the text of section 3 of the House bill (relating to a five-year carryforward of renegotiation losses).

Under the conference agreement, section 1 provides for a three-year extension of the Renegotiation Act of 1951.

Section 2 of the conference agreement provides a five-year carryforward (in lieu of the present two-year carryforward) of a renegotiation loss to any fiscal year ending after December 31, 1958. The five-year carryforward will apply only if the loss arose in a fiscal year which ended on or after December 31, 1956.

Section 3 of the conference agreement provides that the General Counsel of the Renegotiation Board is to receive compensation at the rate of \$19,000 per annum.

Section 4 of the conference agreement provides for the studies explained above in connection with the discussion of section 4 of the Senate amendment.

It is the understanding of all the conferees both on the part of the House and on the part of the Senate that all matters dealt with in the House bill and in the Senate amendment which are not included under the bill as agreed to in conference are specifically referred to the Joint Committee on Internal Revenue Taxation to be included in the study required under section 4(b) of the bill as agreed to in conference. The results of that portion of the study which relates to these matters are to be reported at the earliest date practicable, without regard to the fact that the overall report required by section 4(b) of the conference agreement is to be made not later than March 31, 1961.

It is also the intent of all the conferees that no inference is to be drawn, with respect to the rights of contractors and subcontractors (whether in pending cases or otherwise), from the fact that provisions which were included either in the House bill or in the Senate amendment are not included in the conference agreement. For example, section 4 of the House bill provides that a contractor may inspect certain documents in the possession of the Renegotiation Board. The fact that section 4 of the House bill is not included in the bill as agreed to in conference should not be construed as affecting in any way any right which a contractor may have under existing law or legal processes to obtain such documents or any other data.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
RICHARD M. SIMPSON,
N. M. MASON,

Managers on the Part of the House.

CORRECTION OF RECORD

Mr. PELLY. Mr. Speaker, on June 24, 1959, as shown on page 10739 of the CONGRESSIONAL RECORD on the 10th line, first

H. R. 5752

IN SENATE, FEBRUARY 12, 1903.

READ TWICE.

REPORT OF THE SELECT COMMITTEE ON THE MESSERS OF THE SENATE.

AN ACT

To amend the several Acts relating to the Messengers of the Senate, and to provide for the Messengers of the Senate, and to provide for the Messengers of the Senate.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

86TH CONGRESS
1ST SESSION

H. R. 5752

IN THE SENATE OF THE UNITED STATES

JULY 1, 1959

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of provisions of law relating to pay
4 and leave of absence of civilian officers and employees in
5 or under the Government of the United States, with respect
6 to New Year's Day (January 1), Washington's Birthday
7 (February 22), Memorial Day (May 30), Independence
8 Day (July 4), Veterans Day (November 11), Christmas
9 Day (December 25), or any other day declared to be a

1 holiday by Federal statute or Executive order, the following
2 rules shall apply:

3 (1) If any such day shall occur on a Saturday,
4 the day immediately preceding such Saturday shall be
5 held and considered to be a legal public holiday, in lieu
6 of such day which so occurs on such Saturday, (A)
7 for such officers and employees whose basic workweek is
8 Monday through Friday, and (B) for the purposes of
9 section 205 (d) of the Annual and Sick Leave Act of
10 1951 (65 Stat. 681), as amended (5 U.S.C. 2064 (d)).

11 (2) If any such day shall occur on a regular weekly
12 nonworkday of any officer or employee whose basic
13 workweek is other than Monday through Friday (ex-
14 cept the regular weekly nonworkday administratively
15 scheduled for such officer or employee in lieu of Sunday)
16 the workday immediately preceding such regular weekly
17 nonworkday shall be held and considered to be a legal
18 public holiday for such officer or employee in lieu of
19 such day which so occurs on such regular weekly non-
20 workday.

21 SEC. 2. The first section of this Act, except clause (B)
22 of paragraph (1) of such section, shall not apply to any
23 officer or employee whose basic workweek is Monday through
24 Saturday.

1 SEC. 3. The preceding sections of this Act shall take
2 effect on July 1, 1959.

Passed the House of Representatives June 30, 1959.

Attest:

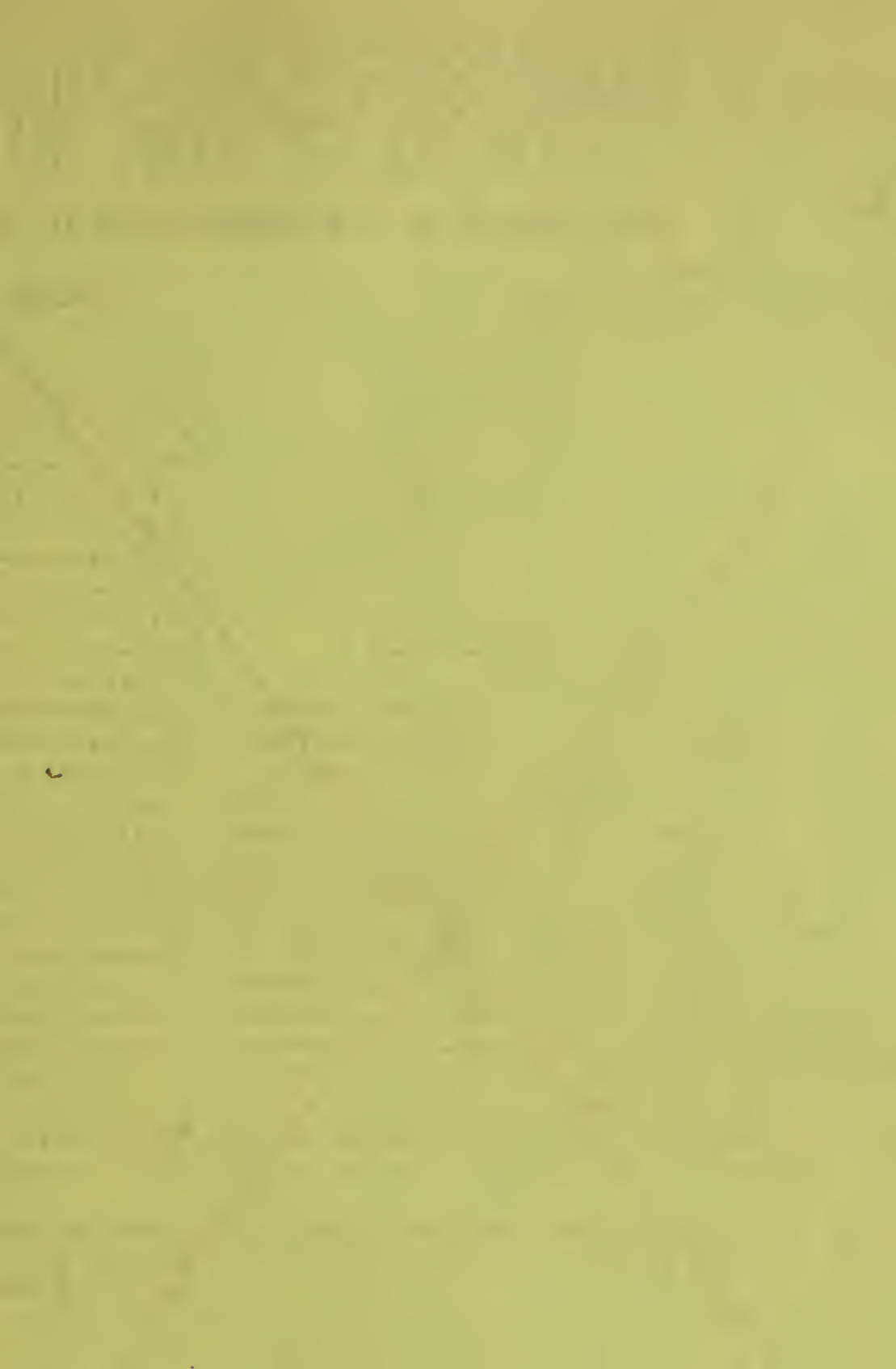
RALPH R. ROBERTS,
Clerk.

AN ACT

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

JULY 1, 1959

Read twice and referred to the Committee on Post
Office and Civil Service



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued Aug. 26, 1959
For actions of Aug. 25, 1959
86th-1st, No. 146

Acreage allotments.....	35		
Alaska.....	31		
Appropriations.....	9,36		
Banking.....	38		
Buildings.....	7		
Civil defense.....	9,30		
Claims.....	3		
Conservation.....	33		
Credit unions.....	3		
Disaster relief.....	10		
Educational exchange.....	21	Interest rates.....	22
Electrification.....	29	Intergovernmental relations.....	15
Exhibits.....	18	Lands.....	6,12,27,40
Extension work.....	5	Legislative program.....	15
Farm program.....	25	Libraries.....	5
Feed grains.....	15	Life insurance.....	4
Flag.....	28	Loans.....	38
Food stamps.....	19,24	Marketing quotas.....	16
Food surplus.....	19	Minerals.....	32
Foreign aid.....	13	Peanuts.....	11
Foreign trade.....	1,2,8	Personnel.....	4,34,37
Forestry.....	14	Personnel management.....	4
Health.....	34	Property.....	5,40
Holidays.....	4	Public Law 480.....	1,24
Housing.....	17	REMARKS.....	29
Imports.....	2,18	Reclamation.....	26
		Recreation.....	12
		Rice.....	16
		Scientific research.....	4,37
		Seeds.....	23
		Silk imports.....	2
		Small business.....	41
		Soil conservation.....	20
		Surplus commodities.....	1,24
		Taxes.....	5
		Tobacco.....	35
		Transportation.....	23
		Water pollution.....	39
		Wood moldings.....	8
		Wheat.....	15
		Wild horses.....	6

HIGHLIGHTS: Senate committee reported amendments to Public Law 480 bill. House committee reported housing bill. House subcommittee voted to report bill to require marketing quotas for rice.

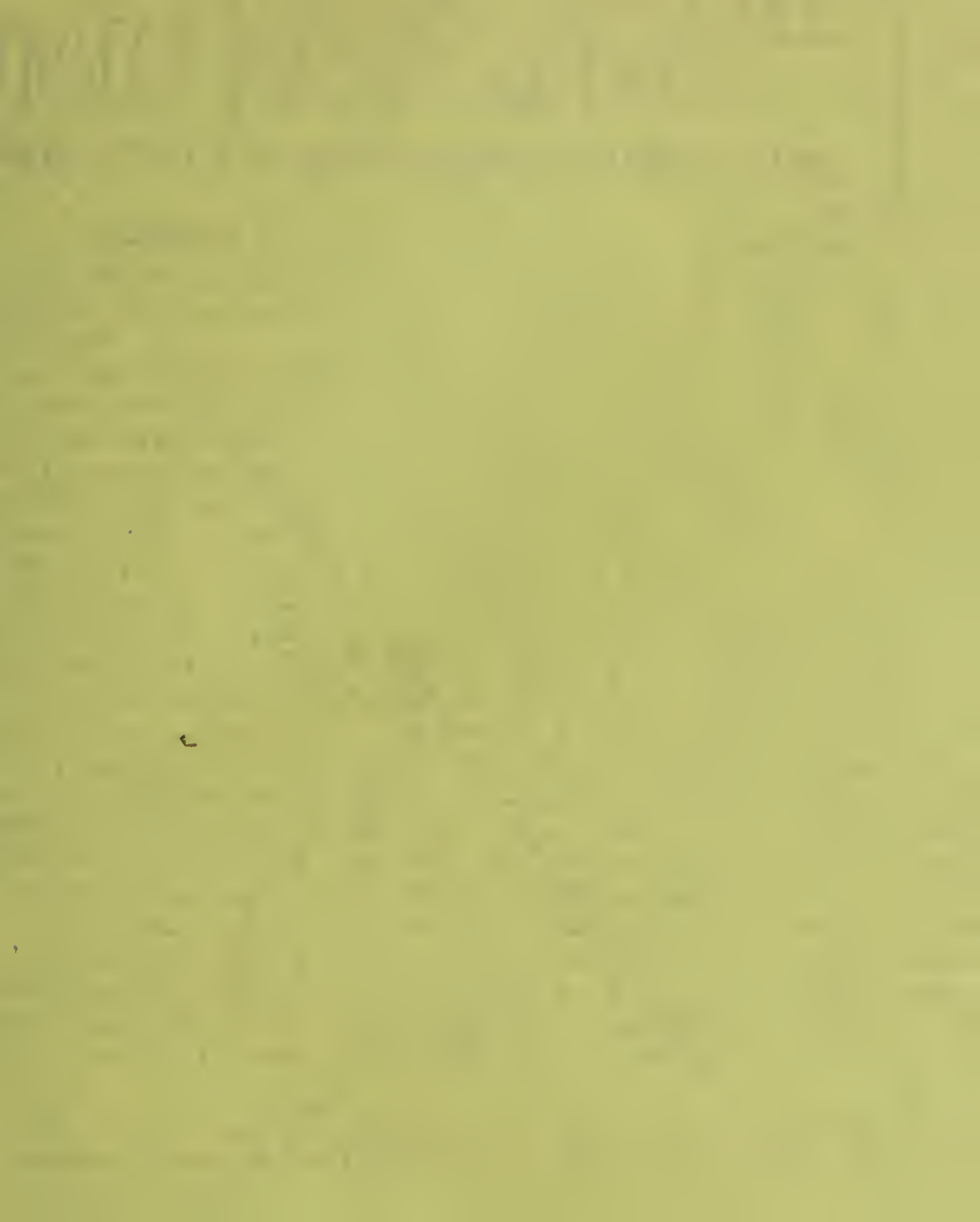
SENATE

1. FOREIGN TRADE; SURPLUS COMMODITIES. The Agriculture and Forestry Committee reported amendments to S. 1748, to extend Public Law 480 (p. 15478). The "Daily Digest" states that the committee amendments include a 3-year extension of the law (p. D821). Sen. Johnston expressed his support for an amendment proposed by Sen. Butler "to provide that shipments of surplus agricultural commodities destined to foreign countries exported under the Public Law 480 program, must be delivered directly to the export vessel at a U. S. port." Several Senators expressed opposition to the proposed amendment, (pp. 15536-8).

2. SILK IMPORTS. The Finance Committee reported without amendment H. R. 2886, to suspend for 3 years, beginning 60 days from date of enactment, the import duties on certain classification of spun silk yarn (S. Rept. 311). p. 15474
3. CREDIT UNIONS. The Banking and Currency Committee reported with amendments H. R. 8305, to make various amendments to the Federal Credit Union Act (S. Rept. 314). p. 15474
4. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) the following bills: H. R. 5752, to grant Federal employees legal holidays on Friday for holidays occurring on Saturday; and H. R. 6059, to ~~provide additional civilian positions for the~~ Department of Defense for scientific research and development, with an amendment to include the text of S. 2461, to amend the Federal Employees Group Life Insurance Act of 1954 to eliminate the provision reducing the amount of insurance after age 65. p. D822

The Post Office and Civil Service Committee voted, 6 to 3, to postpone action until next year on S. 1638, to establish an Office of Personnel Management and revise the functions of the Civil Service Commission. p D822

5. PROPERTY. The Government Operations Committee voted to report (but did not actually report) the following: S. J. Res. 121, without amendment, to permit certain property conveyed by this Department to the La. State University and Agricultural and Mechanical College to be used for general educational purposes; S. 155, with amendment, to permit the donation of Government surplus property to libraries which are tax-supported or publicly owned and operated; S. 1018, with amendment, to authorize the donation of surplus property to certain agencies engaged in cooperative agricultural extension work; and S. 910, with amendment, to authorize the payment to local governments of sums in lieu of taxes and special assessments on Federal property (the "Daily Digest" states that prior to approval of this bill the committee rejected a motion by Sen. Mundt to substitute the language of his bill, S. 1417, to establish a temporary Commission on Federal Contributions to State and Local Governments). p. D821
6. PUBLIC LANDS; WILDLIFE. Passed without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses or burros on Federal lands. This bill will now be sent to the President. pp. 15493-7
7. BUILDINGS. Passed with amendment H. R. 7645, to grant GSA additional authority for the construction, alteration, and acquisition of Federal buildings. Senate conferees were appointed. A similar bill, S. 1654, was indefinitely postponed. pp. 15523-33
8. FOREIGN TRADE. Passed with amendment H. R. 2411, to provide for the free importation of tourist literature after agreeing to an amendment by Sen. Yarborough to delete a section which would have increased the import duty on wood moldings. pp. 15514-23, 15526
9. CLAIMS; CIVIL DEFENSE. Received from the President supplemental appropriation estimates to pay claims for damages and judgments against the U. S. (S. Doc. 48), and for "salaries and expenses" of the Office of Civil and Defense Mobilization (S. Doc. 49). p. 15474



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued Aug. 28, 1959
For actions of Aug. 27, 1959
86th-1st, No. 148

acreage allotments.....	23
Adjournment.....	29
Appropriations	
.....9,14,20,28,40	
Area redevelopment.....	26
Atomic energy.....	7
Buildings.....	43
Civil defense.....	10,24
Claims.....	18
Education.....	8
Extension work.....	2
Fairs.....	20
Farm-City Week.....	21
Farm housing.....	17
Farm program.....9,30	
FAO.....	7
Food radiation.....	24
Food stamps.....	13
Foreign affairs.....	43
Foreign aid.....	41
Foreign trade.....	1,25
Forestry.....	5,32
Government bonds.....	27,31
Highways.....	28
Hogs.....	15

Holidays.....	3
Housing.....	17
Information.....	20,44
Interest rates.....	27,31
Lands.....	23,32,36
Leasing.....	12,19,22
Legislative program.....	28
Marketing quotas.....	16,38
Minerals.....	12,19,22
Personnel.....	3
Price supports.....	38
Property.....	2,35,37
Public Law 480.....	43
Radiation.....	24
Reclamation.....	4,19,44
Research.....	17
Rice.....	16
Silk imports.....	1
Small business.....	42
Soil bank.....	39
Soil conservation.....	33
Surplus food.....	13
Water pollution.....	34
Watersheds.....	19
Wheat.....	11,38
Wool.....	6

HIGHLIGHTS: House committee reported bill to provide payments on lightweight hogs. House committee reported bill to require marketing quotas for rice. House passed housing bill.

SENATE

1. SILK IMPORTS. Passed without amendment H. R. 2886, to suspend for 3 years, beginning 60 days from date of enactment, the import duties on certain classifications of spun silk yarn. This bill will now be sent to the President. p. 15759
2. PROPERTY. The Government Operations Committee reported without amendment S. J. Res. 121, to permit certain property conveyed by this Department to the La. State University and Agricultural and Mechanical College to be used for general educational purposes (S. Rept. 825). p. 15694

The Government Operations Committee reported with amendment S. 1018, to authorize the donation of surplus property to certain agencies engaged in cooperative agricultural extension work (S. Rept. 826). p. 15695

3. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 5752, to grant Federal employees legal holidays on Friday for holidays occurring on Saturday (S. Rept. 830). p. 15695

Received from GSA a proposed bill "to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime"; to Judiciary Committee. p. 15694

4. RECLAMATION. Subcommittees of the Interior and Insular Affairs Committee voted to report the following bills: H. R. 839, to approve certain adjusting, deferring, and cancelling of irrigation charges against non-Indian owned lands near the Wapato Indian irrigation project, Wash.; S. 1892, to authorize construction of the Norman Federal reclamation project, Okla.; and H. R. 1778, with amendment, to amend Sec. 17(b) of the Reclamation Act of 1939 to defer payment of certain construction costs by water users. p. D836
5. FORESTRY. Sen. Murray inserted the 1958 report of the Interior and Insular Affairs Committee recommending that the Forest Service "undertake the direction of a consolidated and integrated forestry program embracing all commercial timberlands now under Federal jurisdiction," and stated that, "It is extremely disappointing to me that in the last 3 years the executive branch has not exercised its responsibility to improve the efficiency and coordination of Federal timber sales activities." pp. 15706-7
6. WOOL. Sen. McGee referred to "the controversy now raging between the American Farm Bureau Federation and the National Lamb Feeders Association" concerning "the referendum under section 708 of the National Wool Act, which provides for a check-off system in raising funds to promote the sheep industry," and inserted a letter from the president of the National Wool Growers Assoc. opposing the check-off system, and two articles discussing the referendum. pp. 15709-10
7. ATOMIC ENERGY. Both Houses received from the President the second annual report covering U. S. participation in the International Atomic Energy Agency for 1958, including reference to conclusion of a relationship agreement with the Food and Agriculture Organization of the United Nations. pp. 15693, 15772
8. EDUCATION. Received from the Chairman, U. S. Advisory Commission on Educational Exchange, a letter transmitting, pursuant to law, a report of that Commission, for the period January 1 to June 30, 1959. p. 14694
9. FARM PROGRAM. Sen. Proxmire inserted the results of a poll in his State as it pertained to questions on spending and the Federal budget and stated that "both rural and urban respondents as well as Democratic and Republican oppose the fantastic cost of the Benson-administered farm program by supporting a reduction in the cost of the farm program." p. 15707-8
10. CIVIL DEFENSE. Sen. Young, Ohio, discussed the elimination of civil defense money from the independent offices appropriation bill, criticized the

OBSERVANCE OF LEGAL HOLIDAYS BY FEDERAL
EMPLOYEES

AUGUST 27 (legislative day, AUGUST 26), 1959.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

R E P O R T

[To accompany H.R. 5752]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this legislation is to correct inequities in the existing law and regulations which deprive certain Federal employees of the right to be excused from duty on a workday for each of the eight legal holidays provided by law for Federal employees, while many of their fellow workers are afforded such opportunity for each of the eight legal holidays every year. The bill will insure equal treatment for all Federal employees in respect to the observance of the usual eight legal holidays in every year, regardless of the day of the week on which any such holiday may fall.

STATEMENT

This legislation does not establish any new or additional legal holidays. It does not give any Federal employee any right, privilege, or benefit not clearly intended under existing law. It will cause no interference or delay in the operations or services of any Government department or agency. The bill merely closes a gap in the law which has continued largely due to oversight and has been brought to special attention because, under existing law, hundreds of thousands of Federal employees would have received, except for a Presidential Executive order, only six days off to observe legal holidays in 1959 instead of the eight legal holidays which they had a right to expect

and which many other Federal workers received because of variations in their workweeks and without the Presidential Executive order. Similar loss of holiday time off will recur in later years from time to time, by reason of the calendar days on which certain holidays happen to fall in such years. In short, the loss of holidays may be said to be due to accident of the calendar which was not taken into consideration when the Congress laid down the policy of eight legal holidays each year for Federal employees.

Provision is made by existing law for Federal employees to be excused from duty on a workday for each of eight designated legal holidays. These holidays are New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Labor Day (first Monday in September), Veterans Day (November 11), Thanksgiving Day (last Thursday in November), and Christmas Day (December 25). Since Labor Day and Thanksgiving Day are on specified weekdays they are not here involved, whereas any of the other six holidays may, and at times do, occur on Saturday.

It has been the almost universal impression that under present holiday laws each and every Federal employee receives eight legal holidays every year. In other words, it has become a generally accepted understanding that such employees are excused from duty on eight special days each year, to observe or commemorate historic or religious occasions, apart and aside from those days in each week on which they are not scheduled to perform duties. Stated differently, an employee having an annual salary rate is paid for 260 days of work each year, excluding Saturdays and Sundays, but the 260 days for which he is paid include his annual and sick leave and the eight legal holidays.

Contrary to the general impression, however, many Federal employees are deprived of the benefit of the full number of eight annual legal holidays in any year during which one or more of the holidays fall on Saturday. This has occurred twice in the calendar year 1959, when Memorial Day and Independence Day fell on Saturdays. The President's Executive order issued just prior to Memorial Day granted the employees the holidays or compensatory time of holidays falling on Saturday in 1959.

A schedule showing the incidence of holidays on each day of the week appears in this report.

This legislation is recommended by the committee with full recognition that certain essential Government services must be provided for the workdays on which employees will be excused to observe legal holidays. Service to business and the public by the postal establishment, for instance, must be maintained, not only as a matter of public convenience and necessity but, also, to prevent the disruption of orderly and expeditious movement of the mails and overloading of storage facilities which would result were post offices and other facilities to be closed down on such days. These and similar necessary Government functions will not be interrupted as a result of this legislation. Management, of course, will take all possible measures to provide adequate service at a minimum cost through appropriate assignment of employees, the granting of compensatory time off where suitable, and careful planning of work schedules.

COST

Representatives of the administration testified before the House committee that additional costs in the estimated amount of \$6 million will be incurred by the Government for each legal holiday which falls on Saturday after enactment of this legislation. Witnesses for postal and other Federal employee organizations testified that the cost would be considerably less than \$6 million, through the exercise of reasonable care and prudence by management in the assignment of employees and the scheduling of work required to maintain essential services for the days on which employees will be excused from duty to observe holidays under this legislation.

Days of the week on which holidays fall, 1960-99

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1960	1	4			1	2	
1961	1	2	2	1	1		1
1962	1	2	1	2	2		
1963		2	1	1	3	1	
1964		1		2	1	1	3
1965	2	2			2	1	1
1966	1	3	1		1	1	1
1967	1	2	2	1	1		1
1968		3		1	4		
1969		1	1	1	2	2	1
1970	1	1		1	2	1	2
1971	2	2			2	1	1
1972		2	3		1		2
1973	1	2	1	2	2		
1974		2	1	1	3	1	
1975		1	1	1	2	2	1
1976	3	1			3		1
1977	1	3	1		1	1	1
1978	1	2	2	1	1		1
1979	1	2	1	2	2		
1980		1	2		2	3	
1981	1	1		1	2	1	2
1982	2	2			2	1	1
1983	1	3	1		1	1	1
1984	2	1	1	3	1		
1985		2	1	1	3	1	
1986		1	1	1	2	2	1
1987	1	1		1	2	1	2
1988	1	4			1	2	
1989	1	2	2	1	1		1
1990	1	2	1	2	2		
1991		2	1	1	3	1	
1992		1		2	1	1	3
1993	2	2			2	1	1
1994	1	3	1		1	1	1
1995	1	2	2	1	1		1
1996		3		1	4		
1997		1	1	1	2	2	1
1998	1	1		1	2	1	2
1999	2	2			2	1	1

Calendar No. 847

86TH CONGRESS
1ST SESSION

H. R. 5752

[Report No. 830]

IN THE SENATE OF THE UNITED STATES

JULY 1, 1959

Read twice and referred to the Committee on Post Office and Civil Service

AUGUST 27 (legislative day, AUGUST 26), 1959

Reported by Mr. JOHNSTON of South Carolina, without amendment

AN ACT

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for the purposes of provisions of law relating to pay
4 and leave of absence of civilian officers and employees in
5 or under the Government of the United States, with respect
6 to New Year's Day (January 1), Washington's Birthday
7 (February 22), Memorial Day (May 30), Independence
8 Day (July 4), Veterans Day (November 11), Christmas
9 Day (December 25), or any other day declared to be a.

1 holiday by Federal statute or Executive order, the following
2 rules shall apply:

3 (1) If any such day shall occur on a Saturday,
4 the day immediately preceding such Saturday shall be
5 held and considered to be a legal public holiday, in lieu
6 of such day which so occurs on such Saturday, (A)
7 for such officers and employees whose basic workweek is
8 Monday through Friday, and (B) for the purposes of
9 section 205 (d) of the Annual and Sick Leave Act of
10 1951 (65 Stat. 681), as amended (5 U.S.C. 2064 (d)).

11 (2) If any such day shall occur on a regular weekly
12 nonworkday of any officer or employee whose basic
13 workweek is other than Monday through Friday (ex-
14 cept the regular weekly nonworkday administratively
15 scheduled for such officer or employee in lieu of Sunday)
16 the workday immediately preceding such regular weekly
17 nonworkday shall be held and considered to be a legal
18 public holiday for such officer or employee in lieu of
19 such day which so occurs on such regular weekly non-
20 workday.

21 SEC. 2. The first section of this Act, except clause (B)
22 of paragraph (1) of such section, shall not apply to any

1 officer or employee whose basic workweek is Monday through
 2 Saturday.

3 SEC. 3. The preceding sections of this Act shall take
 4 effect on July 1, 1959.

Passed the House of Representatives June 30, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
1ST SESSION

H. R. 5752

[Report No. 830]

AN ACT

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

JULY 1, 1959

Read twice and referred to the Committee on Post
Office and Civil Service

AUGUST 27 (legislative day, AUGUST 26), 1959

Reported without amendment

Sept. 9, 1957

SENATE

12. APPROPRIATIONS. The Appropriations Committee reported (Sept. 8) with amendments H. R. 8385, the mutual security appropriation bill for 1960 (S. Rept. 981) (p. 17147). In reporting this bill the Committee agreed to amendments to:
- Add an item of \$6,500,000 to be allocated by the Office of Civil and Defense Mobilization for new civil defense activities performed by other Federal agencies. The Budget Estimate of \$9,000,000 included \$477,000 for this Department to provide funds for non-military defense activities.
 - Increase the Development Loan Fund to \$590,000,000.
 - Increase technical cooperation to \$160,000,000.
 - Decrease ocean freight for relief shipments of voluntary agencies to \$1,910,000.
 - Provide that "None of the funds herein appropriated for carrying out mutual assistance or economic development programs, shall be used to provide facilities for, or to increase, the production of any agricultural commodity or product for marketing outside the country of production in competition with any agricultural commodity, or any product thereof, which is in surplus supply in the United States."
 - Add an item of \$12,500,000 for Federal participation in the Century 21 Exposition to be held in Seattle in 1961-2.
 - Extend the Commission on Civil Rights for 2 years and provide \$500,000 additional for its expenses.
 - Add items for payment of claims and judgments against the Government.
13. PERSONNEL. Passed without amendment H. R. 5752, to grant Federal employees legal holidays on Friday for holidays occurring on Saturday. This bill will now be sent to the President. p. 17200
- Passed over, at the request of Sen. Keating, H. R. 6059, to provide additional scientific research and development positions to the Defense Department and to liberalize the Federal Employees Group Life Insurance Act (p. 17212). As reported by the Post Office and Civil Service Committee, the bill provides the following amendments to the Life Insurance Act: Continues the full amount of life insurance without reduction so long as the employee remains in the service; provides that the reduction in insurance at age 65 or upon separation from the service, whichever occurs later, would be cut to 1 percent per month and would cease when the policy has been reduced to 50 percent of its face value; reduces the 15-year service requirement for free insurance after retirement on an immediate annuity to 12 years; and increases from 25 cents to 32 cents the maximum biweekly deduction per \$1000 of group life insurance which is withheld from the salaries of insured employees under the age of 65 effective the first day of the first pay period after date of enactment.
14. HOUSING. By a vote of 86 to 7, passed without amendment S. 2654, the new housing bill. (pp. 17227-41) As passed the bill extends the farm housing research program for 2 additional years (until June 30, 1961), and authorizes appropriations of \$100,000 for this period.
15. WATER POLLUTION. By a vote of 61 to 27, passed with amendments H. R. 3610, to increase grants that may be made by the Public Health Service for the construction of sewage treatment works under the Federal Water Pollution Control Act. pp. 17244, 17252-61
16. RECLAMATION. Passed without amendment H. R. 4279, to authorize the Secretary of the Interior to construct and maintain the lower Rio Grande rehabilitation project, Texas, La Feria division. This bill will now be sent to the President. pp. 17220-2

Passed as reported H. R. 1778, to grant the Interior Department permanent authority for granting deferments in the payment of certain reclamation construction charges. p. 17226

Passed without amendment H. R. 839, to approve an order of the Secretary of the Interior adjusting certain irrigation charges against non-Indian-owned lands under the Wapato Indian Irrigation project, Wash. This bill will now be sent to the President. p. 17204

17. TAXATION. Passed over, at the request of Sen. Keating, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments on certain Federal real property. (p. 17207). Sen. Hruska urged enactment of this bill. p. 17270
18. AIR POLLUTION. Passed with amendments H. R. 7476, to extend for 4 additional years (until June 30, 1964) the authority of the Surgeon General of the Public Health Service with respect to air pollution control. pp. 17208-9
19. LANDS. Passed as reported S. 2061, to authorize the issuance of prospecting permits for phosphate in lands belonging to the U. S. p. 17212
20. OLEOMARGARINE. Passed over, at the request of Sen. Engle, S. 2168, to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine. p. 17213
21. RADIOACTIVITY; RESEARCH. Passed as reported S. 1806, to revise the "Explosives and Combustibles" transportation chapter of the Criminal Code so as to include the transportation of radioactive materials and etiologic agents as an illegal act. pp. 17214-7
22. FOREIGN AFFAIRS. Received from the President a message withdrawing from the Senate certain treaties and understanding, including a "Convention Concerning Statistics of Wages and Hours of Work in the Principal Mining and Manufacturing Industries, Including Building and Construction, and in Agriculture, adopted by the International Labor Conference, Geneva, June 2-22." pp. 17147-8
Passed without amendment S. 2633, to make certain amendments to the Foreign Service Act of 1946, including a provision to facilitate uniform employment practices abroad by all U. S. Government agencies. This latter amendment to the Act would authorize Government agencies performing functions abroad to administer local employee programs in accordance with the applicable provisions of the Foreign Service Act (including authority now available to the State Department in their employment of aliens overseas). pp. 17157-69
23. EXHIBITS; IMPORTS. Postponed indefinitely H. R. 6249, to liberalize the tariff laws for works of art and other exhibition material. Rep. Engle stated that no action was necessary on this bill since its language is covered "by a bill which presently is at the White House" awaiting signature. p. 17207
24. SURPLUS PROPERTY. Received from HEW a proposed bill "to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies"; to Government Operations Committee. p. 17152
25. FISH RESEARCH. The Interstate and Foreign Commerce Committee reported without amendment H. R. 5004, to authorize and direct the Interior Department to undertake continuing research on the biology, fluctuations, status, and statistics of the migratory marine species of game fish of the U. S. and contiguous waters (S. Rept. 987). p. 17154

Wilson Observatory, Calif., World War, 1918. Member of board of directors, American Rocket Society; fellow of the American Association for the Advancement of Science; member of the American Physical Society, American Meteorological Society, Institute of the Aeronautical Sciences, National Aeronautic Association, Geophysical Union, Sigma Xi, Sigma Alpha Epsilon. Home: Mescalero Ranch, Roswell, N. Mex., and Worcester, Mass. Died August 10, 1945.

SUMMARY OF ACHIEVEMENTS OF DR. ROBERT HUTCHINGS GODDARD

1. Dr. Robert Hutchings Goddard is the man whose 30 years of almost single handed research launched the age of rockets and guided missiles as surely as the Wright brothers launched the age of aircraft.

2. He left around 200 patents, many of them basic, in the field of rocketry and jet propulsion. There were also 22 volumes of painstaking records of his experiments and theories.

3. Dr. Goddard was the first and only rocket pioneer who was American and he was the first to undertake rocket research in the concrete sense.

4. As early as 1907 Dr. Goddard made what is believed to be the first suggestion for a gyro stabilizer for airplanes, a form of stabilizer which proved effective and was generally adopted.

5. During his early years he developed the mathematical principles of rocket motors and flight, and built and shot the world's first gyrocontrolled rocket.

6. In 1912 he began serious development of a problem which proved a lifelong interest, that of the theory and construction of single and multiple charge rockets, using dry and liquid fuel, for attainment of high altitudes.

7. Dr. Goddard was the first to develop a general theory of rocket action, including the important optimum velocity principle, showing that a rocket is not only a projectile but a motor of highest efficiency and greatest potentialities.

8. In 1914 he was granted two U.S. patents which are still basic to rocketry; the rocket nozzle designed for maximum thrust, and a combustion chamber and fuel system which covered the step-rocket principle. He used smokeless powder in the new nozzle and combustion chamber design, which burned at a high efficiency of 60 percent with exhaust velocity of over 6,000 feet per second. Thirty-five years after the firing of the test step-rocket the U.S. Army applied the same principles in a two-stage rocket which reached 250 miles above White Sands Proving Grounds.

9. By 1918 progress was such that he devised an exhaust jet designed so as to practically eliminate inefficiency in functioning, and in test shots a jet of burning exhaust gas achieved a velocity of 7,920 feet per second.

10. On the verge of World War I he offered the military a rocket weapon, new and adaptable. Dr. Goddard was working on the problem of housing the fuel for the rocket and methods to feed the fuel into the combustion chamber. Early in 1918 he demonstrated rockets at the Aberdeen Proving Grounds, showing a novel recoilless rocket launcher. The first successful military rocket was 1 inch in diameter and 18 inches long, propelled by a stick of solid nitroglycerine one-half inch in diameter, launched from a light tube about 4½ feet long. The military lost interest when World War I ended before the rockets could be put into mass production and the plans and models were safely stored away, to be reclaimed and launched as the "bazooka" in the Second World War.

11. About 6 months after leaving the military missile work Dr. Goddard reported on

his work, and included tables of starting weights of rockets designed to attain altitudes of over 400 miles. The report was completed in May 1919 and published by Smithsonian Institute late in 1919 as a report on a "Method of Reaching Extreme Altitudes."

12. On March 16, 1926, with a few experts from Smithsonian watching, he tested a motor and rocket. The rocket went up and covered 184 feet at a speed of about 60 miles per hour. Historically this feat was without equal as it was the world's first liquid fuel rocket ascent.

13. July 17, 1929 he set a rocket on a 60 foot launching tower he had constructed near Auburn, Mass. In the rocket nose, the instrument section, he had placed a barometer, a thermometer and a camera focused on the two measuring instruments, with the shutter release attached to a tripping device that would eject a parachute when the rocket reached its peak altitude and the camera would record the instrument readings at the highest flight point. The rocket rose 90 feet and nosed over and traveled horizontally 171 feet and returned to earth, the instruments unbroken and safe.

14. He was one of the great pioneers of rocketry, beginning when almost nobody had an inkling of the potentials of rockets and by the end of his career he had completed the groundwork on all essential features of modern aerodynamically shaped liquid-propelled rockets. Almost singlehandedly he developed rocketry from a vague dream to one of the most significant branches of modern engineering. His scientific writings include "A Method of Reaching Extreme Altitudes" (1919), "On the Efficient Utilization of Solar Energy" (1929), and "Liquid-Propellant Rocket Development" (1926), as well as several articles for scientific publications.

In the course of his pioneering work, Dr. Goddard—

Was first to develop a rocket motor using liquid fuels (liquid oxygen and gasoline), anticipating the German V-2's about 15 years.

Was first to develop and shoot a liquid-fuel rocket (March 16, 1926, at Auburn, Mass.).

Was first to shoot a liquid-fuel rocket faster than the speed of sound (1935, near Roswell, N. Mex.)

First developed gyro steering apparatus for rockets, about 10 years before the Germans did it.

First used vanes in the blast of the rocket motor for steering rockets.

Received the first U.S. patent on the idea of multistage rockets.

First explored mathematically the practicality of using rocket power to reach high altitudes, and to shoot to the moon.

Was first to develop in detail the mathematical theory of rocket propulsion and rocket flight.

First proved, by actual test, that a rocket will work in a vacuum; that it needs no air to push against.

Developed and demonstrated the basic idea of the bazooka during World War I (1918), though his plans lay unused in the U.S. Army files until they were put to use in World War II.

First developed pumps suitable for rocket fuels, self-cooling rocket motors, variable-thrust rocket motors, practical rocket landing devices, and scientifically forecast jet-driven airplanes, rocketborne mail and express, and travel in space.

Mr. ENGLE. Mr. President, on behalf of the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], I ask unanimous consent to have printed in the RECORD at this point a statement prepared by him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHNSON OF TEXAS

As chairman of the Aeronautical and Space Sciences Committee, I heartily concur in the recommendation of my good friend from Virginia, the distinguished chairman of the Banking and Currency Committee, to authorize the issuance of a gold medal in honor of the late Dr. Robert Hutchings Goddard.

This award would honor the memory of the man whose 30 years of dedicated research developed rocketry from a vague dream to one of the most significant branches of modern science.

Dr. Goddard's almost singlehanded research launched the age of rockets and guided missiles as surely as the Wright brothers launched the age of aircraft. The accomplishments of this American pioneer are a mirror image of the development of rocketry.

Dr. Goddard left a priceless heritage of scientific achievement to his fellowmen, holding almost 200 patents in the field of rocketry and jet propulsion, including the first U.S. patent on the idea of multistage rockets. He left 22 volumes of painstaking records of his experiments and mathematical theories of rocket propulsion and rocket flight.

A few examples will serve to illustrate Dr. Goddard's foresight and accomplishment. In 1918 he demonstrated the first successful military rocket—which was to become decades later the famed bazooka of World War II. In 1926 he launched the world's first liquid-fuel rocket. He was the first to develop a rocket motor using liquid fuels, anticipating the German V-2 rockets of World War II by about 15 years. In 1935 he was the first to shoot a liquid-fuel rocket faster than the speed of sound.

Dr. Goddard served his country with distinction with the Signal Corps in World War I and with the Navy in World War II.

It is indeed fitting that the recognition now given to Dr. Goddard's work by scientists the world over should also be publicly acknowledged by his country.

I commend the distinguished chairman and members of the Banking and Currency Committee for their recommendation that this recognition should take place.

I join them in their belief that a gold medal to honor Dr. Goddard would be a fitting recognition.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 19) was ordered to a third reading, was read the third time, and passed.

CORRECTION OF SECTION 5136 OF THE REVISED STATUTES

The joint resolution (H.J. Res. 493) making a technical correction in section 5136 of the Revised Statutes (relating to national banks) was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (H.R. 163) to amend the Civil Service Retirement Act with respect to the crediting of service of U.S. Commissioners for purposes of such act was considered, ordered to a third reading, read the third time, and passed.

Mr. JOHNSTON of South Carolina. Mr. President, the Civil Service Retirement Act extends coverage to U.S. Commissioners whose fees total \$3,000 in each of 3 consecutive years.

Prior to July 1, 1945, the Government was on a 6-day week. U.S. Commissioners who have no fixed hours or days of duty were required to work 313 days to obtain 1 year of credit for retirement purposes—365 days minus 52 Sundays equals 313.

H.R. 163 provides that since July 1, 1945 U.S. Commissioners will receive credit at the rate of 1 year for each 260 days of service—52 weeks times 5 days each equals 260.

The effect of this change in law is to place the few U.S. Commissioners who qualify for credit on essentially the same basis as other Federal employees who since 1945 have been on a basic 5-day week or a 260-day year.

ABSENCE FROM DUTY BY CIVILIAN OFFICERS AND EMPLOYEES ON CERTAIN DAYS

The bill (H.R. 5752) to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes, was announced as next in order.

Mr. PROUTY. Mr. President, I wonder if we may have an explanation of the bill by the distinguished Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON of South Carolina. Mr. President, this legislation does not establish any new or additional legal holidays. It does not give any Federal employee any right, privilege, or benefit not clearly intended under existing law. It will cause no interference or delay in the operations or services of any Government department or agency. The bill merely closes a gap in the law which has continued largely due to oversight and has been brought to special attention because, under existing law, hundreds of thousands of Federal employees would have received, except for a Presidential executive order, only 6 days off to observe legal holidays in 1959 instead of the eight legal holidays which they had a right to expect and which many other Federal workers received because of variations in their workweeks and without the Presidential executive order. Similar loss of holiday time off will recur in later years from time to time, by reason of the calendar days on which certain holidays happen to fall in such years. In short, the loss of holidays may be said to be due to accident of the calendar which was not taken into consideration when the Congress laid down the policy of eight legal holidays each year for Federal employees.

This legislation is recommended by the committee with full recognition that certain essential Government services must be provided for the workdays on which employees will be excused to observe legal holidays. Service to business and the public by the postal establishment, for instance, must be maintained, not only as a matter of public convenience and necessity but, also, to prevent the disruption of orderly and expeditious movement of the mails and overloading

of storage facilities which would result were post offices and other facilities to be closed down on such days. These and similar necessary Government functions will not be interrupted as a result of this legislation. Management, of course, will take all possible measures to provide adequate service at a minimum cost through appropriate assignment of employees, the granting of compensatory time off where suitable, and careful planning of work schedules.

Mr. PROUTY. In other words, this measure would place in the law what the President already has authority to do?

Mr. JOHNSTON of South Carolina. Yes. He did it this year. There will not be another such instance for about 2 years.

Mr. PROUTY. I have no objection.

The PRESIDING OFFICER. Is there objection to present consideration of House bill 5752?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

INCREASE IN LIMITATION ON BASIC COMPENSATION OF CIVILIAN KEEPERS OF LIGHTHOUSES

The bill (H.R. 2245) to amend subsection 432(g) of title 14, United States Code, to increase the limitation on basic compensation of civilian keepers of lighthouses was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2612) to amend the Small Business Act was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8599) to amend the Small Business Act, and for other purposes, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2611) to amend the Small Business Investment Act of 1958, and for other purposes, was announced as next in order.

Mr. KEATING. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

APPLICATION OF MERCHANT MARINE ACT OF 1936 TO CERTAIN FUNCTIONS RELATING TO FISHING VESSELS

The bill (S. 2481) to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the efficient execution of functions relating to the issuance of Federal ship mortgage insurance on fishing vessels, pursuant to the Merchant Marine Act of June 29, 1936, as amended (49 Stat. 1985; 46 U.S.C., 1952

edition, sec. 1271 and the following), which functions relating to fishing vessels have been transferred to the Secretary of the Interior pursuant to the Fish and Wildlife Act of 1956, the Secretary of the Interior hereafter may exercise authority comparable to the authority of the Secretary of Commerce under the said Merchant Marine Act of 1936, including, but not limited to, the authority contained in the amendment to such Act of July 15, 1958 (72 Stat. 358).

Mr. LAUSCHE subsequently said: Mr. President, I ask unanimous consent that the Senate return to a discussion of Calendar No. 852, S. 2481.

The PRESIDING OFFICER. Without objection, the Senate will return to the consideration of Calendar No. 852, S. 2481.

Mr. LAUSCHE. Mr. President, is this the bill in which it is intended to give to the fishing industry subsidies provided by the Merchant Marine Act?

Mr. ENGLE. Mr. President, that is not the purpose of this bill. Another bill on the calendar has that purpose, and that bill was passed over.

Mr. LAUSCHE. I thank the Senator from California.

Mr. KEATING. Mr. President, I suggest, since the Senate has returned to the consideration of Calendar No. 852, S. 2481, that I did not object to its consideration. But I do have a request from the Senator that it go over for the purpose of being taken up on motion, on the ground that it is not calendar business. So I ask unanimous consent that the vote by which the bill was passed be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be placed on the calendar.

BILLS PASSED OVER

The bill (H.R. 3610) to amend the Federal Water Pollution Control Act to increase grants for construction of sewage treatment works and for other purposes, was announced as next in order.

Mr. KEATING. Over, not Consent Calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 155) to amend the Federal Property and Administrative Service Act of 1949, so as to permit donations of surplus property to libraries which are tax supported or publicly owned and operated, was announced as next in order.

Mr. KEATING. Over, not Consent Calendar business.

The PRESIDING OFFICER. The bill will be passed over.

ADJUSTMENTS IN ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT SYSTEM

The Senate proceeded to consider the bill (S. 1502) to provide for adjustments in the annuities under the Foreign Service retirement and disability system, which had been reported from the Committee on Foreign Relations, with an amendment, to strike out all after the enacting clause and insert:

That (a) The annuity of each retired officer who, on August 1, 1959, is receiving or

Public Law 86-362
86th Congress, H. R. 5752
September 22, 1959

AN ACT

To provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of provisions of law relating to pay and leave of absence of civilian officers and employees in or under the Government of the United States, with respect to New Year's Day (January 1), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4), Veterans Day (November 11), Christmas Day (December 25), or any other day declared to be a holiday by Federal statute or Executive order, the following rules shall apply:

Federal employees.
Legal holidays.

(1) If any such day shall occur on a Saturday, the day immediately preceding such Saturday shall be held and considered to be a legal public holiday, in lieu of such day which so occurs on such Saturday, (A) for such officers and employees whose basic workweek is Monday through Friday, and (B) for the purposes of section 205(d) of the Annual and Sick Leave Act of 1951 (65 Stat. 681), as amended (5 U.S.C. 2064(d)).

73 STAT. 643.

73 STAT. 644.

(2) If any such day shall occur on a regular weekly nonworkday of any officer or employee whose basic workweek is other than Monday through Friday (except the regular weekly nonworkday administratively scheduled for such officer or employee in lieu of Sunday) the workday immediately preceding such regular weekly nonworkday shall be held and considered to be a legal public holiday for such officer or employee in lieu of such day which so occurs on such regular weekly nonworkday.

SEC. 2. The first section of this Act, except clause (B) of paragraph (1) of such section, shall not apply to any officer or employee whose basic workweek is Monday through Saturday.

SEC. 3. The preceding sections of this Act shall take effect on July 1, 1959. Effective date.

Approved September 22, 1959.

